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INTERNATIONAL ARBITRATION MADE ATTRACTIVE.

BY WAYNE MAC VEAGH.

In the inauguration of any tribunal of such high character and wide jurisdiction as that constituted by the Peace Conference at The Hague, July 29th, 1899, questions of convenience of administration, as well as questions of procedure, and possibly other questions of like import, were sure to arise upon the threshold of its usefulness,—questions which could not have been foreseen, or, if foreseen, could not have been wisely decided by the Conference itself; but it is very remarkable how few such questions have arisen, and how easily they can be settled in entire accordance with the conclusions announced by the Conference. The five eminent jurists who were selected to hear and decide the first controversy at The Hague,—that between the United States and Mexico known as the "Pious Fund" Case—declared that they considered themselves "under the moral obligation of submitting to the kind consideration of the interested governments some points which may be regulated easily by subsequent agreements between the states in litigation." They said that they were "deeply impressed with the feeling of their duty to contribute to the better interpretation and carrying out of the Hague Conven-

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tion for the Pacific Settlement of International Disputes, and to consolidate the regular course of such future arbitral tribunals as may be constituted, with the view of re-establishing good understanding between nations. It is desirable," they added, "that jurisprudence be established in the domain of international arbitration, and it is to be hoped that each future arbitral tribunal will add a stone to the edifice whose foundations were laid by the Hague Convention of 1899. Such are the motives of our action." And such are the motives, and the only motives, which have dictated the present contribution to the subject.

The more carefully the Convention in question is considered, the greater will be the recognition of the wisdom of its provisions in almost all respects; and in no respect did the members of the Conference show greater wisdom than in making the provisions of the Convention so elastic, that the parties desiring to invoke the good offices of the tribunal it established are left absolute masters of the terms and conditions of such submission. The declaration of the Conference was in these broad and generous words:

"International arbitration has for its object the determination of controversies between states by judges of their own choice, upon the basis of respect for law. In questions of a judicial character, arbitration is recognized by the Signatory Powers as the most efficacious and, at the same time, the most equitable method of deciding controversies which have not been settled by diplomatic methods. With the object of facilitating an immediate recourse to arbitration for international differences which could not be settled by diplomatic methods, the Signatory Powers undertake to organize A Permanent Court of Arbitration, accessible at all times. Within three months following the ratification of the present act, each Signatory Power shall select not more than four persons, of recognized competence in questions of international law, enjoying the highest moral reputation, and disposed to accept the duties of arbitrators. . . . The members of the court shall be appointed for a term of six years, and their appointment may be renewed. The court of arbitration shall ordinarily sit at The Hague."

The first observation which should be made upon these provisions concerns the last of them, which has heretofore, perhaps, escaped notice; and that is that the tribunal need not necessarily sit at The Hague, but may, by the agreement of the parties and by the consent of the selected judges, sit at whatever place may be most satisfactory. It might well happen that two South-American states might be deterred from taking their controversy to the

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tribunal if it must necessarily sit at The Hague; while, if they could select members of the tribunal who would agree to sit at the city of Washington, or at the capital of some disinterested South-American republic, the temptation to invoke the good offices of the tribunal would be far greater; and it requires but little reflection to appreciate the very great wisdom of this provision.

Another provision of even greater value is that authorizing the appointment of a great number of distinguished international jurists, named by twenty-six different countries, from whom the parties in controversy may select judges satisfactory to them. Innumerable methods of thus selecting them will at once occur to any person reflecting upon the subject. An equal number of these judges—one, two or three as desired—may be selected by each party, and the judges thus selected may themselves appoint an additional judge as umpire; or the selection of the umpire may be referred to some sovereign or president; or the judges may be selected by a process of exclusion, as by agreeing upon an uneven number of judges and allowing each party to strike from the list an equal number, leaving the judges remaining as the judges to hear and decide the controversy. Indeed, with so large a number of jurists meeting the requirements of the Convention, there can be little difficulty for any countries really desirous of availing themselves of the opportunity the tribunal offers in selecting the number desired of learned and impartial jurisconsults.

The earnest desire of the members of the Conference to encourage resort to the tribunal was further illustrated by their allowing the parties to any proposed arbitration the largest possible liberty of deciding for themselves in what manner and under what conditions they preferred to avail themselves of its good offices. The twentieth article of the Convention says:

"With the object of facilitating the immediate recourse to arbitration for international differences which could not be settled by diplomatic methods, the Signatory Powers undertake to organize a permanent court of arbitration, accessible at all times, and acting, *unless otherwise stipulated by the parties*, in accordance with the rules of procedure included in the present Convention."

As if this invitation to the parties to prescribe such regulations as they desired was not sufficient, they repeated the invitation with great explicitness at the beginning of the thirtieth article on the subject of arbitral procedure, in these words:

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"With a view to encouraging the development of arbitration, the Signatory Powers have agreed upon the following rules which shall be applicable to the arbitral procedure, *unless the parties have agreed upon different regulations.*"

It is in this way that international arbitration is made attractive; for the place, the judges, and the terms and conditions for the hearing of any controversy are thus left to the decision of the interested parties.

It happened that the parties to the first arbitration, which has been already mentioned, did not avail themselves of their right to designate the language to be used; and the distinguished judges who sat in that case united in earnestly advising that, in all future protocols, the language to be used should be explicitly stated. They said:

"The undersigned deem it necessary to bring the attention of the governments in litigation to the necessity of arriving at an agreement beforehand with regard to the language they may desire the discussion before the court to take place in. It is absolutely necessary that the point be made clear prior to the commencement of the labors of the tribunal, in order that the selection of the agents and counsel may be made with a view to their knowledge of the language in which the pleadings before the arbitrators are to be made. The necessity for translating for the use of counsel the speeches made before the tribunal inevitably provokes a great loss of time. In view of these observations, it is desirable that the choice of the agents and counsel before the arbitral tribunal be made in conformity with the wishes of the powers in litigation as to the language to be used before the tribunal, and they therefore recommend that all future agreements for arbitration shall state the desire or decision of the contracting powers in this regard."

This recommendation omitted, however, one of the most important considerations with reference to fixing the language to be used, and that is, that not only the agents and counsel, but the judges who are to hear and decide the controversy, should also be selected with express reference to their familiarity with the language selected by the parties to the arbitration.

The first question, therefore, alike in order of time and of importance, to be thus decided by the parties is the question of the language to be used in the proceedings; for, until that is settled, the judges cannot be intelligently selected, nor can the agents and counsel be intelligently appointed, nor, indeed, can any effective steps in the way of preparation be taken.

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In the Venezuelan protocols all the parties to them agreed that the English language should be used; but, with a generosity which the result showed to be unwise, it was provided that counsel might address the tribunal in any other language; and an effort was at once made to substitute the French language as the principal language of the proceedings. This effort was prolonged and not without some incidents which might have proved of serious consequence. One such consequence might have been a majority of judges not sufficiently familiar with the English language; for, in that case, it would have been virtually impossible for the agents and counsel of the four principal parties to the controversy to have adequately discharged the duty confided to them by their respective governments. Indeed, at one time serious apprehension was felt that such a situation might result from the omission in the protocols of any explicit requirement that the judges to be appointed should be familiar with the English language. This omission was, of course, due to the belief that, as the English language was to be employed, no such requirement was necessary. It was, however, very natural that the dispute should arise, and that diplomatists should lend whatever influence they possessed in the matter in favor of the French language; for, although the English language is now used by more than three times as many inhabitants of the globe as use the French language, and the use of the English language is increasing at a very rapid rate, while the use of the French language is comparatively stationary, French still is, and will probably long continue to be, the preferable language in diplomacy. The final decision was, however, in favor of using English as the principal, and French only as the subsidiary, language in the proceedings.

In the Venezuelan protocols, it was also agreed that "the facts on which shall depend the decision of the questions stated in Article first shall be ascertained in such manner as the tribunal may determine." Experience has shown that, in this respect also, it would be wiser, in future protocols, to set forth distinctly the order of procedure—as, for instance, that the preliminary examinations and printed proofs which the parties desire in the first instance to submit, should be delivered to the judges, and exchanged between the agents and counsel, through the Secretary-General at The Hague, on or before a day stipulated in the agreement, and that some subsequent day should be named for the delivery and

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exchange, through the same agency, of any counter-statements and additional proofs which either party might wish to offer. The agreement ought then to fix a day and place for the assembling of the tribunal, to be changed only with the assent of all the parties. Such a method of procedure would enable the judges, as well as the respective agents and counsel, to assemble at the place and on the day fixed in the agreement for the meeting of the tribunal, with minds familiar with the contentions of the parties, and the proofs upon which they rely to support these contentions. With such provisions, no great delay need occur after the tribunal assembles before proceeding with the oral arguments.

It was, of course, impossible to foresee the desirableness of such provisions when the protocols for the Venezuelan arbitration were prepared, for it is only experience which could teach such desirableness; but the experience in that case, it is believed, was quite sufficient to justify the suggestions which have been made. Those agreements or protocols were signed May 7th, 1903, and on the next day Venezuela presented her respectful request to the Emperor of Russia to appoint the arbitrators. Unhappily, however, Great Britain and Germany, as no time was named for the discharge of such duty, delayed joining in that request; and, although their attention was called in the month of July to the desirableness of their doing so, it is supposed that they only made such request on August 25th, less than a week before September first, the day on which the tribunal was required to assemble. Unhappily, also, two of the jurists first named by the Emperor of Russia were misled into supposing that they were not eligible, and the Emperor was, therefore, required to find alternates for them, which he was quite unable to do before the time for the court to assemble had passed.

The failure to secure the assembling of the tribunal on the day upon which it was required to meet, and with a majority of English-speaking judges, was naturally a cause of very great anxiety. That anxiety may well have been excessive, but it was due in large degree to the disquieting telegrams continually arriving in Europe from South America. Those telegrams described the growth of very bitter feeling in Venezuela towards all foreigners, and especially towards the Mixed Commissions then sitting at Caracas to adjudicate the claims against Venezuela preferred by foreigners. Those telegrams were of such a character as to create

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a fear that President Castro might avail himself of the failure, for over three months, of Great Britain and Germany to join in Venezuela's request to the Emperor of Russia to appoint the arbitrators, thus preventing the tribunal from meeting on the day stipulated for its meeting, to declare the arbitration to have been abandoned by them. Such a declaration on his part, while probably within his technical right, would certainly have been productive of very great embarrassment, not only to the allied Powers, but also to the government of the United States, and would have opened up some very grave questions which it is far better, both for Europe and America, to postpone to some happier season, besides being a most serious blow to the cause of international arbitration. As a result of this delay, the only arbitrator who appeared at The Hague on the day appointed for the meeting of the tribunal was M. Mouravieff, of Russia, who did not speak English; and the anxiety that at least a majority of the judges should be familiar with the English language was due to the fact — that not only the United States and Venezuela, but Great Britain and Germany as well, relying upon the provision of the protocols that the English language should be employed, had made all their preparations, both in the printing of their briefs and proofs, and in the employment of their agents and counsel, in the belief that that language would be employed. If, therefore, we were confronted with a majority of judges unable to fully understand the oral arguments it was our duty to address to them, a failure of the arbitration, or at least a postponement of it, would have been inevitable. In the anxiety thus existing, various devices suggested themselves for hastening the assembling of the tribunal, with a majority of English-speaking judges, before Venezuela showed any disposition to withdraw from it; and constant efforts were made to secure that result, although for some time without any appearance of success. Indeed, by the middle of September, it seemed improbable that a majority of English-speaking judges would be secured; and, even if they should be secured, the time of procuring them might be prolonged until the patience of President Castro was exhausted. It was, of course, quite possible to exaggerate the danger of an abandonment or postponement of the arbitration from either of the causes mentioned; but, judging the situation from the facts then known, it was felt that no action ought to be omitted which

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could help in the slightest degree to secure the meeting of the tribunal, with a majority of English-speaking judges, at the earliest possible moment. Applications and alternative suggestions were therefore made; and the assistance of everybody was invoked, who, it was thought, could hasten the appointment of such judges, and their assembling at The Hague; and such appeals were continued in every quarter where it was thought they might possibly bear good fruit.

There was also always present the sense that the treatment of this matter of time had not been such as the governments of the United States and Venezuela were entitled to expect; and that for the agent and counsel for those two countries to sit at The Hague in idleness, day after day, with no certainty of compliance with either the letter or the spirit of the protocols, and with even less certainty as to the time when compliance might be expected, was hardly compatible with the dignity of either nation, and, possibly, not altogether compatible with the dignity of the agent and counsel themselves. Venezuela had promptly discharged every obligation she had assumed; and her agent and counsel, who were the same as those of the United States, had travelled long distances and appeared at The Hague in ample time before the date agreed upon for the assembling of the tribunal, fully prepared to begin at once the discharge of the duties entrusted to them; and there they were obliged to sit in idleness and uncertainty an entire month. But if the suggestions hereinbefore made are followed in future, no such trying experience will be again encountered.

The moment, however, that October first was definitely fixed for the organization of the tribunal, and it was known that a majority of the judges would possess sufficient familiarity with the English language to enable the arbitration to proceed without further delay, all difficulties disappeared.

The foregoing statements show how attractive international arbitration has become by the institution of the Permanent Tribunal at The Hague:

In the first place, because the tribunal need not sit at The Hague, if the parties, with the consent of the judges they select, prefer it to sit elsewhere:

In the second place, because, from the great number of distinguished judges, it is easy for the nations in controversy to select such number of impartial jurists as they may desire:

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In the third place, because, by provisions in their agreements, they may confine the proceedings to such language as they prefer, and they can easily take the precaution of securing judges perfectly familiar with the language for which they declare:

In the fourth place, because they can specifically provide within what period the preliminary examinations and printed proofs are to be delivered and exchanged, and within what later period the counter-cases and additional printed proofs are also to be delivered and exchanged:

And in the fifth place, because they can clearly designate the date on which the tribunal is to assemble; and, all the judges and counsel on both sides having been previously supplied with the documents upon which the controversy is to turn, there need be no great delay in proceeding with the oral arguments.

By proper regard to these considerations, all the persons charged with the conduct of future international arbitrations can readily avoid all difficulties and delays, and the controversy can proceed in an orderly and satisfactory manner from beginning to end.

Happily, all our past history helps to make such peaceful adjustments of controversies with other nations exceptionally attractive for us. We ought not, perhaps, to take too much to heart the flattering words which Madame de Staël spoke to Mr. George Ticknor at their last meeting: "You are the advance guard of the human race. You have the future of the world." Indeed, it may well be that our good opinion of ourselves needs no encouragement; but, whether true in all respects or not, those words are signally true of our advocacy of the noble cause of international arbitration. In that regard, we may fairly claim to have justified Madame de Staël's ardent eulogy; for, as soon as our country took its place in the family of nations, we became an example as well as an advocate of that good cause, and we have continued such example and advocacy from that day until the present. More than fifty years ago, we made a treaty with a sister American republic, far weaker than we were, in which are found these impressive words:

"If, unhappily, any disagreement should hereafter arise between the governments of the two republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said governments in the name of those nations do promise

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to each other that they will endeavor in the most sincere and earnest manner to settle the differences so arising, and to preserve the state of peace and friendship between the two countries, using for this end mutual representations and pacific negotiations; and if by these means they should not be enabled to come to an agreement, a resort shall not be had to reprisals, aggression or hostility of any kind by the one republic against the other, until the government of that which feels itself aggrieved shall have maturely considered, in the spirit of peace and good neighborhood, whether it would not be better that such difference should be settled by the arbitration of Commissioners appointed on each side, or by that of a friendly nation."

And more than fifty years thereafter, at the first international American Congress, convened upon our invitation at the city of Washington in 1890, it was declared:

"We do solemnly recommend all the governments by which we are accredited to conclude a uniform treaty of arbitration, as a principle of American international law, for the settlement of the differences, disputes or controversies that may arise between two or more of them."

And they added, with equal solemnity, these words, which should never be forgotten:

"Arbitration shall be *obligatory* in all controversies concerning diplomatic and consular privileges, boundaries, territory, indemnities, the right of navigation, and the validity, construction and enforcement of treaties; *and the sole question which any nation is at liberty to refuse to arbitrate is a question which may imperil its independence.*"

Mr. Blaine, who was well known as an ardent friend of peace among all the republics on the American continent, declared:

"If in this closing hour the Conference had but one deed to celebrate, we should dare to call the world's attention to the deliberate, confident, solemn dedication of this continent to peace and to the prosperity which has peace for its foundation. We hold up this new Magna Charta, which abolishes war and substitutes arbitration between the American republics, as the first and great fruit of the International American Conference."

Secretary Hay very recently stated our policy in respect to international arbitration in these clear and emphatic words:

"Advocating and adhering in practice, in questions concerning itself, to the resort of international arbitration in the settlement of controversies not adjustable by the orderly treatment of diplomatic negotiations, the government of the United States would always be glad to see the question of the justice of the claims by one state against another, growing out of individual or national obligations, left to the decision of an

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impartial arbitral tribunal, before which litigating nations, *weak and strong alike*, may stand as equals in the eye of international law and mutual duty."

Our long advocacy of this ethical doctrine, during every year of our national existence, finds practical exemplification in the fact that, during the nineteenth century, the government of the United States entered into forty-nine separate agreements for such arbitration with twenty different nations; and President Roosevelt in his message to Congress of December 7th, 1903, declared that as "the Hague Tribunal offers in the Venezuelan Arbitration so good an example of what can be done in the pacific settlement of controversies between nations, recourse to it ought to be encouraged in every way." Our record is, therefore, in this matter equally creditable and consistent from 1787 to 1903.

The purpose of this article is to call attention to the fact, that the way is now more open than ever before for any two nations having a controversy which they cannot adjust by diplomatic negotiations, to submit such controversy to the tribunal established by the Peace Conference of 1899; and no country ought to feel too strong, or be too wilful, to agree to such submission, especially where its opponent is a small or weak nation; for the invitation to that Conference proceeded from the ruler of the greatest military power on earth, a ruler who is absolutely free from constitutional limitations upon his actions, alike in peace and war.

It is therefore to be hoped that recourse to international arbitration, now made so feasible and so attractive, will grow in favor with every passing year; and, certainly, no American statesman ought ever to forget these memorable words of General Grant: "Though I have been trained as a soldier and have participated in many battles, there never was a time when, in my opinion, some way could not have been found of preventing the drawing of the sword. I look forward to an epoch when a court recognized by all nations will settle international difficulties." The epoch to which this great soldier and patriot looked forward is now here, and the court he hoped for is realized in the Hague Tribunal.

WAYNE MAC VEAGH.

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THE CARNEGIE INSTITUTION.

BY PROFESSOR SIMON NEWCOMB.

IT is now nearly two years since the world of science heard with lively interest the announcement of the most munificent individual gift ever made for the promotion of knowledge. Up to that time the Smithsonian Institution was the most richly endowed establishment which, not being devoted to the special purposes of a teaching institution, or the conduct of a prescribed line of research, was free to use its funds in the promotion of knowledge in any direction that might be most promising. Now, the Smithsonian endowment, with all the additions made to it during the sixty years of its existence, was multiplied tenfold at a stroke. Any misgivings that might have been felt as to the wise administration of so important and novel a trust were quieted by its having been placed in the hands of a body of men of national reputation, whose standing before the public would afford the best guarantee of wise management. Believing that such a body could form a better judgment as to how the Institution could attain its object than could any one individual, even he himself, the founder left free the hands of his managers, prescribing only certain general conditions defining the aims to be kept in view, and outlining the field of activity. The guardians of the trust lost no time in beginning preparations for its execution. At a preliminary meeting the necessary steps were taken for putting into operation the executive machinery necessary to a survey of the field and a decision as to what the Institution could most advantageously undertake.

The terms of the trust were so broad that it would not be surprising if the first sentiment of the organizing body were one of doubt, not to say perplexity, as to the direction which its activity should take. The possible field of its operations was almost un-

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limited; and, at the same time, there was no precedent by which it could be guided, unless that supplied by the Smithsonian Institution. But the world has advanced so far during the sixty years that this institution has existed that its experience could not well form the basis of work on a scale so much larger. Of the numerous questions which were asked as to the policy of the Institution, none could be answered in an authoritative way. Were its operations to be confined to our own country, or would they extend around the world? Would a permanent body of scientific investigators be organized, or would the Institution look to individual agents who should execute its functions? If so, would these agents be the existing institutions, or would they be individuals? All such questions as these were left open by the founder, and his trustees did wisely in deciding none of them in such a way as to limit their operations.

Another question was, whether the managers of the Institution would welcome a public discussion of its policy. We are not aware that this question was ever formally put; but an affirmative answer would seem eminently proper. In the case of an institution, publicly organized for the promotion of knowledge, and not to serve any private purpose of its managers, it would seem wise to encourage the widest discussion of its policy, and the most searching criticism of its proceedings. An animated discussion in the pages of "Science" was the result of this view. One feature of the discussion might have been foreseen. The suggestions were so numerous and varied that it was impossible to combine even their main features into anything like a homogeneous whole. Material for thought was undoubtedly afforded in sufficient quantity, but the only way in which it could be utilized was to extract here and there a little of the essence, to be utilized as far as possible, and then, casting aside the rude and indigestible remainder, to survey the field for one's self, in order to decide upon a course of action.

The first formal step was to appoint in each of the great departments of science an advisory committee charged to report in what way the needs in its field could be most effectually supplied. The reports thus elicited are found in the first issue of the Year Book of the Carnegie Institution. They are not only worthy of study as valuable contributions to an appreciation of the several subjects treated, but they may be of interest in other lines of

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thought than those formally discussed. After receiving and digesting the reports, the active work of the Institution was initiated at a second meeting of the Board of Trustees, held in November, 1902. The year's work started after this meeting is briefly summarized in the second issue of the Year Book, which has just been published. These two publications will be taken as a basis for discussing the adopted policy.

The prescriptions of the founder will be seen to leave open to the Institution two closely associated but radically distinct lines of activity. One looks to the Institution itself becoming an active agent in the promotion of knowledge, founding its own establishment and doing its own work. This would not preclude its promoting the work of others, but it would make such action conditional on the work falling into some general scheme. The main feature of the other policy is that the works to be aided should be those of others, and that the selection should be determined upon the individual merits of each, as inferred from the representation made by its advocates. Both of these lines of policy are indicated in the conditions of the trust; the first, perhaps, rather by implication and inference than by direct statements; the other by express provision. The words which indicate the first plan are: "To promote original research, paying great attention thereto as one of the most important of all departments." It might be claimed that there is an essential difference between "promoting" research and conducting research, and that, had it been expected that the Institution would be an active agent in carrying on researches, a different word would have been used. On the other hand, "paying great attention" to research implies a more active function than this.

Another charge is that of discovering "the exceptional man in every department of study whenever and wherever found, inside or outside of schools, and enabling him to make the work for which he seems specially designed his life-work." This, again, implies an active agency in searching out men, and not merely a sitting in one's office to receive and consider applications. The execution of this clause is, perhaps, the most difficult of all, because it so often happens that the supposed exceptional man turns out to be, after all, very commonplace. Once or twice in a generation a man like George William Hill appears on the scene, whose first work stamps him as among those who are going to suc-

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ceed. But, even in a case like this, only an expert is able to judge the man and his work. And yet, after all, any one who reflects on the large part played by the individual in scientific progress cannot but admit, that the discovery of the exceptional man may well be regarded as one of the most important functions of the Institution.

Another implication in the same direction is the condition, that the Institution should be founded in the city of Washington. This may be fulfilled in letter, but hardly in spirit, by a mere holding of meetings and transaction of business in Washington. There can be no sound reason for this condition, unless the founder, sympathizing in the general feeling of pride in our national capital, desired to add the intellectual feature to the great volume of attractive works with which our nation is embellishing it. Such an end cannot be attained unless some other work than that of a purely business and administrative character is conducted in Washington.

Comparing these two policies with the actual operations of the Institution, so far as developed and planned for the coming year, it is very clear that the second policy has been followed to the exclusion, in spirit at least, of the first. So far as has yet become apparent, the main functions of the Institution have been to carefully collate and study all the applications for assistance which have been made to it by individual investigators, and to comply with such of them as seemed most worthy and important.

One who is neither in the councils of the Institution, nor in any way a sharer of its responsibilities, must be cautious in assuming too certain a knowledge of its policy. Yet the impression created by a study of its widely extended operations is, that unity of purpose has not been considered important. In the absence of any reason to the contrary, it is admissible to assume that the future will be like the past. The ship has been launched, and, although she has scarcely more than left her moorings, we may infer whither her course, if unchanged, will lead her. Material for such an inference would seem to be afforded by the reports of what has been done during the past year. If variety in character and geographic extension are desirable features, they are certainly not wanting. The grants made for investigations in various branches of science number sixty-six. On the other hand, it is significant that about one

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thousand grants, asking for a sum total of some three million dollars, have been refused or indefinitely postponed.

A few examples of the grants actually made will suffice to give a general idea of their character. Among the sciences, that which has received the most liberal support is astronomy, for the promotion of which twenty-six thousand dollars was allotted. The work promoted was that of the Harvard, Albany, Lick and Yerkes Observatories, as well as of individual astronomers. In geographic extent, the researches extend from the trans-Caspian region in the east, where a geological and archæological inquiry has been instituted, to Arizona in the west, where a desert botanical laboratory has been established to investigate the adaptation of plant life to arid conditions. Medical men throughout the world will be much interested by the reestablishment of the "*Index Medicus*," in which the literature of their science is catalogued. Individuals or committees have been appointed to inquire into current investigations of nutrition and other problems of physiology, and the establishment of proposed observatories and laboratories. A bureau of American history has been established in Washington. It is proposed to make a comparison between the geological features in eastern Asia and western America. On the humanistic side, a study of the economic conditions of the United States has been promoted. A hand-book of the learned societies of the world is nearly completed. A botanist, working at the Royal Botanical Gardens, Berlin, is engaged in an investigation of the Philippine flora.

At the Johns Hopkins University, investigations in physical chemistry and osmotic pressure, as well as other subjects, are being carried on. A practical character is given to work by experiments on ship resistance and propulsion, as well as by investigations of aluminum bronzes. The Marine Biological Laboratory at Woods Holl has received an allowance for the maintenance of twenty tables, and the Biological Station at Naples, Italy, an allowance for two tables.

That these and the twoscore other works promoted are most worthy of the support accorded them, is unquestioned. If any mistakes have been made, it is only because a minute inquiry into each of a thousand applications was beyond the power of so small a body of men. And yet the question is well worthy of consideration, whether a plan of work more comprehensive than,

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on the face of it, these grants seem to indicate, would not have been advisable, and would not have rendered the Institution a more important factor in the world's progress. That the adopted policy will lead to a measurable extension of scientific research on its present plane is undeniable; but will it elevate the plane? We have already pointed out that two lines of activity were open, the one looking to the Institution becoming itself an active factor in progress, in which case its main object should be to elevate the plane of work in all departments, and the other to being simply a promoter of works on the existing plane.

To make our meaning quite clear, we may consider some of the works just enumerated. There is, perhaps, no social problem to-day in which the interests of human society are more deeply involved than that of an understanding of the causes which affect the welfare of the masses. Why is it that we find the laboring classes in Germany better fed and housed than those of Russia and Austria, those in England yet higher in the scale, while in America they are more opulent than in any country in Europe? It cannot be mere want of land, for there would seem to be more unoccupied land in Russia than in most other European countries. An investigation into the causes of these conditions is of the utmost importance, because, when any system of public policy affecting industry is under consideration, the first question should be, Will the effect of this system be to depress or to elevate the masses? This question it is impossible to answer until we have a well-established science of public and individual prosperity, grounded on correct economic principles, and on a comprehensive study of facts. That such a science is possible cannot be doubted, because all the elements which affect that prosperity are completely within the range of our knowledge. The two elements on which the whole fabric depends are, rate of wages and cost of subsistence. The real difficulty is that the tracing of these two elements in the ramifications of industry is a complex mathematical process, for which, up to the present time, not even a nomenclature has been invented. The problem will, therefore, not be solved until it is taken up by mathematicians, who will find it so different in form from those with which they are conversant that they must devote much thought to the subject before even the method of investigating it can be discovered.

Whether this end was in view in that study of the economic

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conditions of the United States which the Institution has promoted, it is impossible to say; but the fact that the only end mentioned in the report is a history of progress must lead us to infer a negative. The foundation of such a science as we have suggested will never be laid by a mere promotion of the works of individuals or institutions, and that for the reason that no individual or institution combines the incentive to the work with the human machinery necessary to its prosecution. The institution that shall undertake the work will elevate social study to a higher plane than it has ever yet reached. But nothing less than an institution can be expected to carry on the work.

We might consider almost all the grants which have been promoted from the same point of view. In nearly all cases we can only imagine an end which the grantees may have had in view. Even in doing this, we cannot evade the conviction that a greater amount of co-ordination should have been secured in the work than seems to have entered into the plan.

On the two lines of policy which we have indicated the world at large always has been and always will be divided. The one may be defined as the policy of individualism, the other as that of collectivism. The affairs of men can never be administered on either of these systems, to the exclusion of the other; and the question whether the Carnegie Institution is making the best use of its resources by continuing on its present line of exclusive individualism is worthy of serious consideration. This question can best be considered if the writer, ignoring the existence of the Institution, simply sketches out what seems to him the ideal mode of procedure, should an institution be established in the city of Washington for carrying on scientific researches on a large scale, and at the same time promoting the intellectual development of the country.

In this case, the first question to be considered is not, What assistance do the scientific investigators in the country need in carrying on their work? but rather, What are the needs of science at the present time? This difference may seem a small one; but, small as it is, it is the pivot on which the whole policy of the institution must turn. If the collective policy had been adopted, a consultation with the best authorities, acting either as individuals, or as committees, would, of course, have been the first step. But a well understood condition would be that, while an

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adviser thus called in was not prohibited from making known either the wants of his special work, or his own desires as to what he should undertake, such wants and desires should be assigned a subsidiary place. The knowledge which is sought is not that relating to work now in hand, but to the work which will be wanted by the future, and which can be initiated by an institution having very large means at its command. We want to know what the future can be made, if progress is aided by a munificent endowment. In a word, the work is not to be started on the present plane, but on a plane a stage higher than the resources of the past admitted of its reaching.

Some features of the situation which would have been brought to light by such an inquiry may be pointed out. A comprehensive survey of the material now available for the promotion of science would have shown, that the nineteenth century has been industriously engaged in amassing observations of the phenomena of Nature in all her departments, the main results of which are still to be extracted. Meteorological observations have been and are being accumulated in such numbers that the more advanced thinkers on the subject are calling a halt. So far as they can see, no more valuable result can be derived from the continuation of the series than from the series as it now exists. But there is no sign of response in any quarter. Magnetic observatories at various points on the globe are recording the changes in the magnetism of the earth. Systematic observations of the spots on the sun have been going on for more than a century, especially at the Greenwich Observatory during the past twenty years. The great observatories of the world publish annually, or from time to time, stately volumes filled with observations on the positions and aspects of the great bodies of the universe. Spectroscopists are measuring the motions of stars, and making such records of their light as may lead to a knowledge of their physical constitution. Observations of the aurora are made and published at many points in Europe and America. On the humanistic side we have statistics relating to almost every interest of the human race, awaiting the hand of the investigator who shall derive results from them.

It goes without saying that this mass of material is, in its original state, of no importance to humanity. It becomes important only through the results that may be derived from it.

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We must, therefore, inquire how these results are obtained and to what extent they are being worked up. Continuing the inquiry in this direction, we shall find an illogical disproportion between the amount of effort devoted to the accumulation of observations, and that devoted to deriving results from them. Men are founding new observatories or stations for observations all the time, but no one has yet thought of founding an institution for deriving the best results from the observations already made. It is quite exceptional that an institution engaged in making meteorological observations makes any comprehensive investigation in climatology, even that of their own region. For the most part, this branch of the work is left in the hands of individuals. Examining what the latter have done, one cannot fail to be struck by the piecemeal character of their work. This is necessarily the result of individual effort, because the proper handling of the whole mass is beyond the power of an individual. It can only be done by an organization.

Inquiring into the wants of such an organization, we should find one most vital in its character, and yet apt to be overlooked. There is a science which develops the methods of deriving results from great masses of observations, and of reaching an exact judgment as to their reliability. But this science is untaught in our universities, unless occasionally in the most abstract and general way. An examination of what individuals have done would show that, for the most part, they were little acquainted with the practical applications of this science. And yet, a clear understanding of its methods is essential to the extraction of the best results. Without this requirement, it would be useless to do anything on a large scale. Happily, knowledge on the part of a very few individuals will speedily leaven the whole mass when there is occasion for it. The one necessary condition of success in attacking the work would have been to learn what men in any part of the world were best acquainted with the scientific methods required, and to call in their advice in such a way as it could be most effectively rendered. With this aid an institution, which it might fairly be expected would prove one of the most important of the twentieth century, could be set going; and it can be set going in no other way than one which starts with the problem: What does science require, and how can these requirements be fulfilled?

The foregoing suggestions apply only to observational science.

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But the result would not have been materially different on entering the field of experiment. The writer is confident that, had three or four of the leaders of experimental science at the present time, in various countries, been called in to survey their future field, they would have agreed that the study of the mysterious radiations from material bodies, which commenced only ten years ago with the X-rays, and which has since astounded the scientific world by the revolutionary character of the phenomena it has brought to light,—the outcome of which no man can see,—was a field of work in which the co-operation of a body of men, which could be secured only through a single great institution, offered results of the greatest promise. No one knows to what results even so simple a study might lead as that of the radio-activity of bodies — that singular property by which various substances, which we cannot yet catalogue, under circumstances which we are not yet able to accurately define, send off an invisible emanation, having among other properties that of making air a conductor of electricity. When the laws of this activity are brought to light, who knows how important the conclusions to which it may lead? A possible revolution is already foreshadowed in the behavior of radium, that mysterious substance which sets at naught what we supposed to be one of the best established laws of modern physics, by persistently radiating energy at the lowest temperature that science can produce; a temperature at which, according to all preceding theory, activity of every sort should cease, and every object should become a dead mass. Had such a result been predicted to a physical philosopher five years ago, he would have replied, "That is absurd. If you ever find any such substance it will be after you have been able to run a steamship by the heat of the ocean itself." Now such a substance has been found; who knows what may follow?

The carrying out of such a system of investigation as is here mapped out requires an organization—a co-operating body of men collected in a single spot, profiting by their mutual advice and experience, and clarifying each other's ideas by discussion of the obscure and difficult points arising at every step. The end aimed at is so different from that of any existing institution of learning that no association with such an institution is necessary. The best place for the institution is the city of Washington. In order to reach the highest state of efficiency, it would become, to a

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greater or less extent, a teaching agency; but it would not compete with any existing institution of learning, because its teaching would be of a more specialized and advanced character. It would simply supplement the work of our universities and colleges. The Doctor of Philosophy emerging from one of these institutions, has plenty of theoretical knowledge and practical training in the direction of whatever science he has been studying at his university, but he has no training in the special work of the institution whose functions we have been outlining. Why is the twentieth century advancing without our nation enjoying the great advantage of having, at its capital, the atmosphere which such an institution would diffuse through its life?

The answer is not far to seek. The influences against such an outcome have been strong enough to paralyze all efforts to promote it. Some of the reasons which have been brought forward against such an organization as that here suggested, should be considered. The most plausible is that the men now engaged in carrying on the world's work in science and in education, though scattered in various places in this and other countries, already have at their command such facilities as are afforded by their respective institutions. All that is necessary is to discover what each one is doing, and whether he stands in need of additional facilities. If he does, supply them. As, in nearly all cases, he already has a part of the facilities necessary, the latter will thus be utilized to the greatest possible extent, and he can do his work where he is better than anywhere else.

This argument is excellent as far as it goes, but it leaves out of sight two most important points decisive of the question. It presupposes that the work most worthy of encouragement is that which men are either doing at the present time, or, individually, wish to undertake. Now, this will never be the case until the field of scientific investigation has reached its ultimate limit. An institution with vast facilities should devote itself to looking forward to what ought to be and can be done in science, rather than to the matters in which men are momentarily interested. Here, as in industry, plant, methods and ideas are constantly becoming antiquated, and real progress involves their constant renewal. An institution which ignores this may do much good work, but will never mark an epoch in the development of science.

Another weak point of the argument is that it leaves out of

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sight the most efficient agent of progress in every field of human activity, that of association and mutual attrition between man and man. Perhaps there is no condition of progress the necessity of which admits of being better shown by actual experience, little though it may be recognized. The more profound the region of thought, the more necessary that he who enters it shall be stirred by suggestion, even from his inferiors in command of his subject. Two men working in company will not only do twice as much as two working individually, but it may be expected that one of them will do things which, had he been alone, he would never have been capable of doing. If, as is always the case, he encounters at every step a serious difficulty, a mere suggestion from another may set his thoughts in the direction required for its removal. If, eighteen hundred years ago, Hipparchus, Aristarchus and Ptolemy had lived at the same time, and could have been brought together to discuss day by day the mystery of the celestial motions, I believe that the true system of the universe would have been brought to light fourteen centuries before the time of Copernicus. May not the same be true of the mysteries which modern science has opened up to us?

Another objection to the policy here advocated is based upon a widely diffused fear of centralization of learning, especially at the national capital. But the attrition which we have just shown to be necessary is impossible without centralization. If the arguments in question were well founded, it would be better if the resources of such an institution as Harvard could be divided between a number of small institutions scattered over the State or the country. Granting that it were possible that the work of the university could be done by having one professor in each town of the State, would the separation be an advantage? There can be but one answer to this question. The activity of the teachers would gradually come to an end, and the university itself would cease to be a factor in intellectual progress.

Another fear is that, if we allow any institution whatever to grow up with the advantages afforded at that point, Washington may become a sort of Paris, and will become so influential that, outside of it, a scholar will be outshone by his fellows at the capital, even as the professors at the provincial universities of France are outshone by the members of the Institute. The scientific work of the capital would, however, be so different from

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that done elsewhere that this result seems hardly likely; if, however, it should occur, would it really be an evil? The smaller universities of our country are none the worse because Yale, Harvard and Columbia outshine them, and neither Yale nor the country at large suffers because Harvard has richer means and a wider field of activity than any other of our universities. Why, then, should any investigator or any section of the country be the worse for the growth of an institution of research in Washington, which may, at some future time, become the most important of the land?

It is worth pointing out that the almost inevitable outcome of the present policy will be a centralization of a very objectionable kind. If the activities of the Carnegie Institution were to be wholly confined to aiding individuals here and there, that end could have been best attained by dividing the endowment among the leading institutions of learning, under such restrictions as might have been necessary. Every such organization could then have determined for itself, better than a central one at Washington, what the needs of its professors were, and what might be the importance of their work. It could have established branch stations at least as well as can the Washington institution. It could have sought out the exceptional man with even better chances of finding him, because its field of knowledge would have been wider than that of any central authority. Each could, for itself, have selected the best research-assistant to be found.

Now, instead of this result, we actually have a central authority passing judgment upon the relative importance of the work being done at all the institutions of learning from which applications may come, and aiding them, or refusing aid, according to their judgment. One very probable outcome of this has not been sufficiently considered. It must tend, to a greater or less extent, to diminish the spirit of individual effort, just as gifts are apt to do in many other walks of life. This effect will be intensified by a very obvious and reasonable provision announced by the Institution as governing its action. It does not propose to undertake anything that is being well done by other agencies. It would, of course, be superfluous to assist a professor in cases where the patrons of his own institution could be induced to do so. The latter will naturally not be very liberal in giving their funds if the Carnegie Institution can be successfully appealed to. If

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the appeal is a failure, that failure will be a reason against the project in the mind of a possible donor. The dilemma will be that of Omar:—If the Carnegie Institution can be induced to support your work, our aid is not needed; if it cannot be so induced, the object is not worthy of our support. Of course, it is not claimed that this consideration will be universal, or will be operative immediately and in all cases. But to suppose that it will never be operative in any degree is contrary to every principle of human nature.

The progress of knowledge has brought us to a point where our nation needs the services of a body of men who shall be engaged in work of a distinctively different type from that carried on in our traditional institutions of learning, a work which belongs peculiarly to the present and future, because it was not possible in the past. Looking at our intellectual history, we have grown from the high school of our revolutionary ancestors to the college; from the college stage we have grown to the university stage. Now we have grown to a point where we need something beyond the university. We want an institution at the city of Washington at which shall be organized a system of research on that higher plane and larger scale which the progress of experimental science and observational knowledge now requires. Such a work would be at a disadvantage in being connected with any existing university for the same reason that the college was at a disadvantage when grafted on the preparatory school, and for the same reason that our universities are now at a disadvantage in being grafted upon the colleges. What we want might be appropriately called the National Research University. If the Carnegie Institution is not to grow into anything of this kind, is there not among us some possessor of great wealth ready to become its founder?

SIMON NEWCOMB.

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HISTORY OF A TRUST.

BY CERDIC SAXON.

DEBATERS and writers upon the trust problem seem disposed to discuss the question on the assumption that the claims publicly put forth in prospectuses and the other claims advanced privately by the trust promoter, are sustained in the results that follow when the proposed consolidation has been consummated. Specific data of sufficient clearness, based on the actual experience of some modern trust, have not been forthcoming. It is to supply such data, in a measure, that the history of one of these great concerns is here submitted. That its past experience and its present condition will prove typical of similar enveloping industrial corporations will undoubtedly be demonstrated in time. A period of ten years is more than likely to prove sufficient to let out the life-blood or to clip the claws of most, if not all, of these so-called octopuses, and for some the period may be much shorter.

The writer desires it to be distinctly understood that he refers, in this article, to industrial combinations, to the exclusion of all such as have natural monopolies—like railways, trolley-lines, gas companies and the like. Consolidation and oppression by such is a practical possibility, because their franchises are monopolistic in their nature and the personal factor diminishes to a minimum. Among this class of corporations, the subordinate's work becomes largely routine detail, and is always about the same. Superior efficiency may be rewarded or not, as the manager or board of control is wise or otherwise. Failure to appreciate ability works no serious peril to the company. The dissatisfied subordinate may quit and the efficiency of the service deteriorate, but the general asset value of the franchise remains undisturbed. In the industrial field, outside of patents, the personal factor is the element of ultimate dominating potency.

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Ostensibly, all trusts are formed to effect economies, that the cost of production may be lowered, and that thereby better and cheaper service may be rendered to the public. In reality, their attitude towards the public is not dissimilar to that attributed to a late great railway magnate who, when questioned as to how his policy would be accepted by the public, indignantly resented the impertinence of the inquiry.

The trust about to be reviewed essayed to control the production of an article of general consumption in all parts of the nation, and, in a less degree, in all parts of the civilized world. In good seasons, the mills cannot fully serve the demand, and the sales aggregate some $60,000,000 yearly. While a tariff of twenty-five per cent. is levied on imports it is as much needed as one on wheat. Our claim to excellence in this industry is not founded on brag. We were the inventors and discoverers of the methods of manipulation, and the foreign product is inferior to ours in all ways. Generally, good wages are paid to the 25,000 hands employed. The labor being mostly on a piece-work basis, each man is practically his own paymaster. Little or no discontent is evident, and it is extremely doubtful if there is another industry of like importance that has been so free from strikes, lockouts and labor agitations. That no union exists in any of the mills is due far more to the indifference of the help than to any antagonism of the superintendents. Several large fortunes have been made by successful captains in the industry, and much money lost by others not properly equipped for the task.

Various attempts among the manufacturers to co-operate in making prices stable and eliminating severe and at times ruinous competition, had preceded the advent of the trust. Some fifteen years ago, it was thought that at last the proper ground for assured profits had been found. A selling company was organized, and the goods of all the standard companies were to be sold through it for a period of years. Each company retained its separate and independent existence in all particulars, excepting that of marketing its product. Prices were radically advanced, and the trade could get none of the standard brands at any other terms than the arbitrary and uniform terms dictated by the new selling company. Everything opened auspiciously. There was to be a good profit in the goods sold, and on all the best brands the market was controlled absolutely.

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Orders, however, failed to come to the selling company; instead, some half-dozen companies, manufacturers of cheaper and inferior goods, who had been deemed too insignificant to be taken into the combination, were soon swamped with orders, and for several months they did practically all the business. Then the forces of disintegration commenced to operate in the new combine, as they had in all previous ones. Two or three of the combination mills, finding themselves without business, began to make confidential arrangements with and deliveries to the biggest jobbers on their own account, in direct violation of their contract with the selling company. By the time the season was nearly over, this sort of thing became an open secret; and, at the close of its first year's existence, the selling company was by mutual consent disbanded and the old-time condition of open competition resumed. This proved to be the last attempt of the manufacturers of their own initiative to form a combination.

Ten years ago, a new factor entered the field; we will call him Mr. Promoter. He flashed into view, with a New Jersey charter under his arm, and with what was at that time the startling capitalization of $50,000,000. Mr. Promoter knew nothing of the industry, except so far as he had been engaged in selling to some of the companies a portion of their principal raw material. He was also connected with several financial institutions, and was not unknown as a manipulator in Wall Street. For several years, he dominated the trust; and, from the prominence he achieved in successfully consolidating this industry, he was hailed as the pioneer apostle of the new era of combination and co-ordination of effort. For a long time, he enjoyed continuous and conspicuous mention in the New York press, and his views and movements were chronicled with the utmost faithfulness. When the New York Legislature undertook to investigate trusts, Mr. Promoter was the star witness, and he completely overwhelmed the statesmen by his volubility in elaborating the marvellous results which were to ensue from the new era of combination. For a few years, he stood on dizzy heights in the consolidation world as the prince of promoters. Two years ago, he collapsed. But that is another story.

It is needless to detail all the particulars of the negotiations that governed the entrance of all the mills in the country into the new trust. Suffice it to say that all but the three giants of the in-

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dustry had been absorbed by 1892, when the trust had control of eleven plants whose nominal capital was about $6,000,000, and whose sales equalled about twenty-five per cent. of the country's business. A price war was then declared, to force in the three giants of the business. In the spring of 1893, two of these capitulated; and the third, and biggest, while retaining its corporate independence, entered into an alliance whereby it agreed to follow the prices and terms dictated to the trade by the trust.

The first step of the trust, which now was practically in complete monopolistic control of the entire industry throughout the United States, was to force upon the jobbers a drastic contract system. In place of ordinary competition among the jobbers, each jobber was required to sign a contract which took his selling terms absolutely out of his hands. Before he could get any goods, he was obliged to sign a contract, the vital stipulation of which was embraced in the following words:

"The purchaser agrees to be governed in his selling price and terms to the retail trade by the instructions of this company, and hereby promises not to vary from the discounts or terms herein named. It is also understood and agreed that the above conditions as to prices and terms to the retail trade apply to all goods on hand April 1, 1893, as well as to present or future purchases under this contract. This company, on its part, will require purchasers to sign this agreement before accepting their orders. And the said purchaser, in case of his failure at any time to faithfully observe the foregoing conditions, hereby consents to the cancelling of all his unfilled orders in the hands of this company."

Then followed the terms and minute stipulations which were to govern every possible trade contingency. This general contract was followed by what was termed a "supplementary agreement," the substance of which is the following:

"This company, in consideration of a certain agreement between it and —— dated ——, hereby covenants and agrees with said —— that if he, the said ——, shall well and faithfully keep and perform all the undertakings on his part to be performed, in said agreement contained, and shall not directly or indirectly violate the same or any provision thereof while it continues in force, said company will as soon after the first of April, 1894, as said Company is satisfied that said agreement has been faithfully kept and performed by said ——, pay him or credit his account with 15 per cent. on the net amount of his purchases under said agreement, provided, however, that if, in the opinion of said Company, which is to be final and conclusive, said agreement has been in any material respect violated by said ——, he shall not be entitled to said discount

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of 15 per cent., but shall pay for all goods purchased by him under said agreement, upon the terms and at the discounts therein mentioned without further discount or rebate. It is also mutually understood that —— is to be held responsible for any violation of said agreement by his salesmen."

On top of these then very novel restrictions and stipulations, there was an advance in prices over the season of 1892 of practically 33 1-3 per cent. That all this came as a sensation may readily be imagined. The resentment among the retailers was most intense. The jobbers, as a general thing, co-operated and sympathized with the new policy. It eliminated competition on price among themselves, gave them a steady market from the beginning of the season to its end, and an assured profit of about fifteen per cent.

The policy outlined in the quotations from the earliest contracts of this trust has been followed uniformly ever since, with the exception of the season of 1897, when there came an accusation of bad faith between the managers of the trust and its ally, the one big company that had stayed on the outside. In consequence of this quarrel, prices were severely cut and a trade war lasted throughout that season. The contest cost each a loss of a couple of millions of dollars, and in 1898 the last of the original competitors came under the trust's dominion.

What has been sketched above may be termed the public history of the trust. It is needless to say that every property acquired was purchased at highly inflated values, those which came in last getting astonishingly liberal terms.

To detail the internal history of this trust, would be only to reveal the struggles of the various factions to get control of the highest offices, and to show the cleverness of Mr. Promoter in successfully playing one set against the other, while he remained secure, ruling the company on the inside and manipulating the stock market on the outside. While Mr. Promoter, from the vantage point of treasurer of the trust, largely influenced affairs, the ablest men were withdrawing and starting competitive concerns. In the third president, Mr. Promoter secured a man of excellent character, but old and affable, at a salary of $25,000 a year. He was an uninquisitive old gentleman and naturally unaggressive, and for four years under him the trust drifted through a period of internal serenity.

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During all this period, the trust maintained the high prices, making no provision for the rainy day; everything was done to squeeze out dividends, and the arbitrary contract system and price-control still prevailed. Competition kept increasing, and the trust's volume of business kept diminishing. The selling agents, who under the old-time conditions had been powerful factors and possessed of wide discretion in making prices and distributing the product of the mills, found themselves stripped of all authority and confined to the terms of a printed contract which was practically public to any one. An office boy was fully as competent to make a sale as any of the half dozen $15,000 salesmen employed.

The publicity of the trust's prices and terms to the trade, coupled with its contract system and high prices, made a situation most favorable to its competitors, who were all prosperous; while the trust, having essayed the hopeless task of buying up competing mills, put a premium on competition. To force the fighting on the survival-of-the-fittest lines, with the advantage of the splendid prestige the old trade-marks of the trust mills still enjoyed, was a policy the magnates refused to adopt. They hounded the salesmen to do the impossible, and kept raising the prices to get the profits wherewith to pay dividends and interest charges, and to make good the leakages in all departments.

At last, the big profit exacted on the rapidly diminishing volume of sales proved inadequate to meet the dividend charges, and the credit of the company began to be suspected by the banks. Nothing but heroic measures could save the company. Its competitors were stronger than ever. They had no such prejudice to work against as had the trust brands. "Not made by a Trust," was the cry of the outsiders. Loudest among those who used this cry was one of the original organizers of the trust, who had left it and become a competitor.

Once more, Mr. Promoter took the centre of the stage, with three more big New Jersey charters under his arm. With one, he proposed to organize a great international trust to control the world's supply of the prime raw material of the industry. With another, he proposed to organize another trust to absorb all the competitors of the trust already established. Under the third charter, the greatest of all, he proposed to organize all three. For a couple of months, the trade and the newspapers were filled

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with the wildest rumors of what Mr. Promoter was going to do, and what he had done. But his bubbles were all pricked, and this all collapsed, as did Mr. Promoter. He was eliminated from the management. Those who had wrested the control from him forced the fighting to regain the lost business. At the opening of 1901, a cut of twenty-five per cent. was made in prices, this cut practically putting the goods on the market at cost. In 1902, the same policy of low prices was continued; and, while some little mills of inferior backing were crowded off the field, the chief competitors remain in 1904 in apparently undiminished vigor, fully as able, if not more so, to stand the contest as the trust.

Since July, 1900, the trust's stockholders have received no dividends, nor is there any immediate prospect of one. Of the twenty-five mills it controls, ten have been closed or dismantled, and these represent at least $3,000,000 of trust stock. Of the other fifteen, it is doubtful if more than half of them, under present conditions, can make ends meet. Only the best equipped in location, management and machinery can show profits under present prices; while the others, from loss of their competent superintendents or from the placing of incompetent men in authority, have lost the prestige their trade-marks formerly held, so that their production has to be marketed at special concessions.

To sum up briefly the trust's history. At the opening of 1893, it controlled absolutely the business of the country in its own line. Its position was apparently unassailable. The prospects could be expressed only in superlatives. All the great, successful men of the industry were under one management. No opposition was in sight. A surplus was in the treasury and a very large profit was in the business.

To-day, the trust's surplus is gone, and in its place is a bonded indebtedness of some $17,000,000. It is perhaps doing about sixty per cent. of the business of the country, and that at little or no profit. The gains of the best mills are largely wiped out by the losses at the others, not to mention the constant interest drain and the drag of dismantled plants. Instead of being owner of the field, it has about ten well established competitors, each of the competing mills being headed by some of the ablest men in the industry, all of whom were formerly in the trust. Those who were the great leaders in this industry and its chief fortune-makers are dead, retired or at the head of companies outside the trust.

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The public's appreciation of the trust is fairly well reflected in the stock-market. Where the stock formerly sold at from 100 to 120 for the preferred, and from 60 to 65 for the common, it is now quoted at from half to one-third of those figures with no purchasers. The present managers are striving valiantly to put the trust on its legs again, but the task is herculean; while their newness in their positions, their uncertainty of tenure of office, the changes and rumors of changes of various sorts each year of late, coupled with the absence of any one dominating master mind equipped for the requirements of the trust, handicap the future excessively. Furthermore, the moment the trust again gets where it can declare dividends on its $50,000,000 capital, the field will offer too great an inducement for competition to be overlooked. This point is, perhaps, made clearer by the statement that the present live plants of the trust could be all duplicated, ready for business, for less than $5,000,000 cash.

Now, what has been the result of ten years' experience with this typical industrial trust, which produced a commodity that is necessary to almost every person in America? Has the original fear of the public, or the claim of the monopoly promoter, been realized? Does not this trust excite more titters than terrors among the trade to-day? Did competition remain suppressed, or did inflated prices continue beyond a comparatively short period? Its original managing board embraced all the ablest and most successful captains of the industry; but was the trust able to bring about and continue that subordination and co-operation among them, which was essential to its harmonious and successful development? Was it able to eliminate human nature in these men, and remove all traces of feelings generated during their careers of rivalry? This history seems to give answer to all these queries in a manner which suggests the absence of grounds for fear of continued industrial tyranny from any such combinations. Theoretically, a trust can become a monster of oppression; practically, trusts hurt only the confiding investing public. The average trust is as powerless for permanent harm as the bogyman of our childhood.

CERDIC SAXON.

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IS THE HIGH PRICE OF COTTON THE RESULT OF MANIPULATION?

BY DANIEL J. SULLY.

BEFORE entering upon a discussion of this question, it is perhaps necessary to define the limits of speculation and manipulation in a general way. Ever since the fields of commerce and finance have broadened out—and even before, for that matter—speculation has been an element in business life. It has been quick to take advantage of conditions on one side or the other. But no scheme of speculation that lacked a sound basis for operation has been successful for more than a limited period. Speculation causes fluctuations, but does not long affect the general trend due to fundamental causes. With regard to the present price of cotton, no plan of manipulation, unless financed on a scale sufficient to take over a large portion of the crop, could have brought and kept prices at the present average level. There are times, of course, when acute conditions—such as a short crop, a small supply toward the end of a season and aggressive manipulation backed by large capital—have resulted in "corners" and thus kept up prices. But "corners" could not be planned and executed at the outset of a cotton year. No clique of speculators could be found with money enough and daring enough to attempt such a thing. They could not see far enough into the future, and the game would not be worth the candle.

If I were to be asked the bald question whether the cotton market had been the object of manipulation this year, I would say: "Yes; on both sides." One clique has believed cotton to be too low; another has taken the position that the price was too high. And the battle has been waged on the issues thus drawn. It has been a hard-fought struggle. There has been some bitterness. There has been money on both sides. If anything, the

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advantage so far as money is concerned has rested with those who have tried to depress the price of the cotton. The powerful elements arrayed on the side of the mill interests of New England, Great Britain and the Continent, as a matter of course, always have insisted that it was to their financial welfare to have cheap raw material. On the other side has been the South just emerging from four decades of poverty, and for the first time able to take up the gage for King Cotton. Commission-houses and brokers have been about equally divided.

At the outset, I take the position that the high price of cotton has been due to unusual but entirely natural causes, and is not the result of manipulation.

Few persons realize the great importance of the cotton industry in the United States, when considered in its entirety. Cotton is the only fibre that grows already prepared for the spinner, and the only farm product of which the grower at first hand consumes no part. Its cheapness, ease of production and quality pre-eminently fit it to rank as the principal textile product of the world. Since its introduction, there has been a continuous increase in its use to the exclusion of other textile fabrics. New markets have been opened, and this, with the growing demand in old markets, resulting from increasing population and better habits of living, has led to a rapidly increasing demand for the staple and its manufactured products.

The world's annual consumption of cotton is approximately 14,000,000 bales. Of this amount, America furnishes by far the greater portion, and the staple grown in the Southern States is the world's great commercial necessity, so far as the textile industry is concerned. Egypt grows a long staple cotton that is used in the finer grades of goods. India produces a short staple that is used only in the coarsest fabrics. The American product is the intermediate grade, and is suited to nearly all classes of goods.

The cultivation of cotton in the United States probably began in 1607, when there is a record of seeds having been introduced. Very little was grown, however, until the invention of the cotton-gin by Eli Whitney in 1793, and from this invention, only a little more than a century ago, dates the birth of the cotton industry. In 1800, the product of the South was 120,000 bales. In 1859-60, the output had increased to nearly 5,000,000 bales, and in 1897 and 1898 the yield passed the mark of 11,000,000 bales. During

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the last decade, we have exported some 30,000,000,000 pounds of cotton, valued at about two and one-half billions of dollars. This enormous exportation, payable in gold, is of the greatest aid to this country in preserving the financial parity between the United States and Europe. As an illustration, during November, 1903, according to figures compiled by the Bureau of Statistics at Washington, cotton to the value of $67,964,774 was exported. The total value of all farm products exported during the same period is $105,809,986. This was the largest amount of cotton ever sent abroad from the United States during a single month, and is said to have been the cause of the collapse of the foreign exchange market during the month of November. The official figures for December have not been given out at the present writing, but in money value they probably will exceed those of November.

According to reports of the twelfth census, in value of the manufactured products, the textiles in 1900 stood third in the United States, being exceeded only by the value of food and kindred products and of iron and steel and their products. The total value of food and kindred products in 1900 is given as over $2,200,000,000; of iron and steel products as over $1,700,000,000. The value of manufactured textile products is estimated at $1,637,484,484. This includes products from wool and flax, but the cotton manufactures stand easily at the head of the textile industries proper. These figures are given to show the important position that cotton holds in the world's industries of to-day.

Strange as it may seem, the underlying causes of the present high price of cotton had their origin during the period of enormous crops and low prices in 1897-98 and 1898-99. The crops for both of these years were more than 11,000,000 bales, and the price of cotton fell to five and six cents a pound. There was great fear of overproduction, and every means was taken, by conventions of public-spirited men and by a campaign of education through the public press, to induce Southern farmers to plant more extensively of other crops, and decrease the amount of cotton produced. As a result of the low price of cotton and the enormous production, new mills started up on the Continent and in the Southern States. Within the last ten years, the mills of the world have increased their capacity by more than 17,000,000 spindles. In spite of the talk of curtailment that has been going

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the rounds for the last year, the South has added 817,826 spindles and 16,313 looms, representing an investment of about $16,000,000, to its mill facilities.

Although the exact figures are not obtainable, the number of the world's spindles may be placed approximately at 109,000,000. Mills have sprung up everywhere throughout the South. Aside from the bare increase in the number of spindles, improved machinery has made possible larger consumption of raw material.

But this period of "bumper" crops and low prices did more than increase the manufacturing capacity. It created new outlets and new factors in consumption. People, the world over, were educated to new uses for cotton, and thus new needs sprang up. Cotton to-day enters into the manufacture of more articles than any other agricultural product. Its low price caused the staple to be used for things never before dreamed of. People bought the articles into which it entered, not only because they were cheap, but also because they were liked. With new needs thus created, new machinery had to be installed to meet them.

Then followed a four years' period of comparatively short crops. The world's consumption had been based on an 11,000,000-bale American crop. One factor tended to keep the mills running at practically full capacity, in spite of the falling off of raw material. This factor was the estimates furnished by crop experts of standing. As these men were, to a certain extent, identified with mill interests they always made high estimates. In 1897-98 and 1898-99, their predictions were fulfilled in a measure, and they acquired reputations in consequence. When the years of short crops began, they still made large estimates, and with a double result: the price of cotton was depressed, an outcome greatly desired by the spinner, and the mills did not curtail consumption. For the last four years consumption has been running a race with supply, and consumption, in my opinion, is now ahead in the race. The crop grown in 1899 was 9,436,416 bales; that grown in 1900 was 10,383,422 bales; that grown in 1901 was 10,680,680 bales, and that in 1902 was 10,727,559 bales.

In these four years, mill stocks have been decreasing and the visible supply has dwindled. Last year, there was a shortage that produced a panic among mill-owners. The same charges of manipulation and "gambling" were made. In this connection, I

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quote from the "Commercial Advertiser" of December 31, 1903, a review of conditions for the cotton year of 1902-03 by Henry G. Kittredge, of Boston, an experienced observer in the cotton world, whose interests undoubtedly lie with the mill elements:

"Notwithstanding all that may be said about the effects of the manœuvres of speculation, there never was a time within the memory of the present generation when the prices of cotton were more absolutely controlled and regulated by the laws of supply and demand. The speculative manipulation of the price of cotton was anathematized without considerate discrimination, as a malignant factor in disturbing the even tenor of the cotton goods trade. While speculation undoubtedly had a potent tendency to advance prices beyond their legitimate level, it, after all, simply exaggerated conditions which naturally existed in an unusual insufficiency in the quantity of raw material. The leaders of the speculative movements that illumined and emphasized actual conditions, were more astute and discerning than many of those who were conducting the manufacturing operations of the country, and who in the majority of instances took the stand that the market for the raw material was in an artificial state that would right itself in due course of time. Never was there exhibited more ignorance of the underlying causes and agencies that govern the course of trade than was shown during 1903 on the part of the manufacturing community."

As a result of the condition described by Mr. Kittredge, prices of cotton were high last year; and the South, which for three years previous had been able to pay off some of its debts, grew into a strong financial position. Southern sentiment was unanimous in the opinion that cotton for years had gone to the consumer of raw material too cheaply. Heretofore, the movement of the crop had been financed not by the South but by the money interests of the North and East, viz., the mill element. The powerful mill interests were able to dictate, to a large extent, when the crop should move and what it should sell for. A great deal of blame was attributed to the planter for rushing his cotton to market. In the main, he responded merely to demand. Southern bankers depended largely on New York for aid in carrying the merchants, who, in turn, carried the farmers on the crop-mortgage plan. At that time, the money interests and the manufacturing interests were practically the same; and, when the demand came from New York for a return of money, the Southern bankers called on the merchants, and the merchants in turn urged the planter to bring in his cotton. The whole system tended toward rushing the shipments and overloading the market, to the

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gain of the spinner and the loss of the producer. The situation was made decidedly different by the high prices last year. If prices had not been high during the season which began September 1, 1903, the South would have held to its cotton, and then there would have been famine indeed. This year the movement has been rapid—probably the quickest on record; but cotton has come in response to high prices, and not with the usual stampede produced by lack of funds on the part of the grower.

In my opinion, four causes have tended to decrease the production of cotton: (1) seed deterioration; (2) soil exhaustion followed by poor tillage; (3) increase in pests such as the boll-weevil; (4) lack of acreage expansion.

I shall go into a little detail as to the first cause. Seed deterioration, in my opinion, is largely the result of the sale of the best seed to the cottonseed-oil mills. The agents of these mills go about through the country at the beginning of the season engaging their supplies, and they usually get the early seed, which is the most vigorous for reproduction. For this reason the farmer too often takes the later seed, which is of low vitality, and expects to produce a full crop from it. Of late, the South has been waking up to a realization of this error, and it is probable that the future will see a system of seed selection founded on some plan, such as inspection of seed at the gins either by the canvassers for the Census Bureau, or by some other method equally efficacious.

These are the causes that have contributed to the low crops of the last four years. This year there were additional complications. The crop was planted from four to six weeks late. The season was backward. March weather continued until April, and April weather continued until the end of May. In the latter part of the summer, there was September weather in August, and October weather in September. On the 19th of October, a killing frost, followed by continual cold weather, descended upon a large portion of the cotton belt, and the plant was cut off before it had reached maturity. From all over the South came reports that there would be practically no "top" crop. Surely, such a condition was enough to warn consumers of a short crop.

The crop, as I have stated, was unusually slow in growth. The supplies from the crop of 1902-03 were insufficient to run the mills until the end of August, even if equally distributed. But

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before the close of the season many mills had to shut down completely. This condition was aggravated by the lateness of the new crop and the tardiness with which supplies were replenished.

This is the condition that faced the cotton industry on September 1: The supplies of raw material had declined to almost nothing; consumption had encroached upon manufactured reserves, until the stock of goods was at an extremely low ebb; it was possible for the mills to get along with a crop of between eleven or eleven and one-half million bales, if it were equably distributed and the mills confined their demands to a normal output.

But conservative spinners do not like to run on so close a margin. In addition to engaging their actual requirements, they felt it safer, even imperative, to obtain a surplus stock sufficient to restore the parity between raw material and the manufactured goods. So low had the supply of actual cotton sunk, that a crop of 12,000,000 bales of the American staple would undoubtedly have been absorbed, at prices in advance of those of former years, by the mill interests of the world. Consequently, the producer was justified in basing the price of cotton, not alone on the probable consumption, but also on the necessity under which the mills found themselves of acquiring a surplus stock.

Conditions were somewhat aggravated and made puzzling to the spinner by the usual flood of big crop prophecies with which the cotton world has been inundated. Many mills delayed purchasing, especially those of this country. The foreign spinner learned a lesson last year, and he attempted to engage his requirements while the season was still young. Cotton rose steadily in price, despite "bearish" predictions of a crop of from eleven to twelve millions of bales. Opposed to these inflated estimates were the low visible supply, the adverse weather conditions and the killing frost weeks before it usually appeared. The position of the "bulls" was materially strengthened by the government crop estimate issued on December 3, 1903, which placed the probable production at 9,962,059 bales. This caused another advance in prices. With occasional fluctuations, the market has maintained an upward trend, until the price has hovered around the fourteen-cents mark.

Of course, it has been contended by the "bear" element that the price of cotton is purely speculative. In support of their views, they have called attention to previous inaccuracies in gov-

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ernment estimates. They have pointed out the unprecedentedly large movement which, in spite of the late date at which it began, has already approximated the figures of last year to January 1. Also they have predicted heavy curtailment on the part of the mills, thus decreasing the consumption and rendering possible the creation of a surplus of raw material.

On the other hand, the advocates of high prices maintain that the heavy receipts and rapid and large movement in the early part of the season are elements that cannot be gauged by the precedents of other years. The cause they assign for rapid movement is the high price of cotton which has called forth every bale in the hand of the farmer as soon as it could be picked, rushed to the gin and marketed, while it was known that the picking season was unusually favorable. This position is substantiated by the report of cotton ginned up to December 13, 1903, issued by the Census Bureau on January 5 of this year. In spite of the temptation of high prices and exceptionally good marketing facilities, the amount ginned was approximately 400,000 bales less than that ginned up to the corresponding date of 1902. If the cotton had been in the country, it would have been rushed to the gins, and the figures for the year before would have been surpassed. In addition to this official confirmation, reports up to the middle of January from all over the South are to the effect that from thirty to fifty per cent. less cotton is in the hands of the farmer than at the same time last year. The "bull" element has been insistent in predicting an early dropping off of the movement. Almost on the date set, the dwindling began; and the interior and port receipts for the early part of January showed a falling off of several thousand bales a day as compared with the figures of the corresponding dates last year. Certainly, from a statistical standpoint, the advocates of high prices have been in an exceptionally strong position.

A word as to curtailment. In the latter part of December, a mass-meeting of the Master Cotton Spinners' Association was held in Manchester, England. An effort was made to secure co-operation with the spinners' associations of other countries. The replies received and read at the meeting were very discouraging to the proponents of the plan. From Germany, Austria-Hungary and Italy came expressions of sympathy, but qualified by the statement that the mills of those countries had their output sold ahead

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until the end of July. A prominent English cotton merchant is authority for the statement that the mills of Great Britain and the Continent are heavily engaged until the end of July, and these contracts are not covered by supplies in hand. On account of the high price of the staple, these mills cannot finance operations tending to the purchase of the actual cotton. Nor can they protect themselves by buying futures without danger of running the price to extravagant figures. Nor can general curtailment be resorted to in New England on account of future engagements. The hand-to-mouth policy of many of the American spinners was illustrated by the plight of several mills in January. Some expected consignments of cotton from the South failed to arrive on time, and the mills were forced to suspend. With this scarcity of raw material, assuredly, the holder is justified in demanding high prices for his cotton.

Here is another proof that the price is not speculative: In the latter part of December, 1903, complaints came from Fall River that, while the prices of futures on the New York Cotton Exchange were high, the actual cotton could not be obtained for those figures. Does this show that speculation has outrun demand? I hold that no price is speculative at which a commodity can be actually sold.

Another thing: New Orleans is the great "spot" cotton market of the world. New Orleans operators have every facility for judging the crop condition and crop movement better than any other set of operators in the world. Yet the prices at New Orleans, practically all season, have ruled from five to sixty points above those in New York. When one considers the question of freight alone, it is hard to see why the price of cotton in the heart of the cotton belt should be from twenty-five cents to three dollars a bale higher than it is at a point one thousand miles away.

Before leaving the subject of curtailment, I desire to make one point clear. Last year's consumption of American cotton was estimated by Thomas Ellison, Esq., of Liverpool, at 10,840,000 bales, falling 50,000 bales short of actual consumption in a year of radical curtailment. Last October, Mr. Ellison estimated the world's requirements of the American staple for this season at 10,870,000 bales. On November 10th, when cotton reached eleven cents a pound, he revised this estimate, and placed it at 10,500,000 bales, at the same time predicting even smaller consumption

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in the event of higher prices. If the government estimate of 9,962,000 bales is approximately correct, and it is being substantiated every day by the dwindling of the movement, it is probable that the mills will curtail consumption, but this curtailment will be compulsory, as a result of insufficient supplies, and not of voluntary action or high prices.

When foodstuffs are high the consumer complains, but he pays the price. Practically the same amount of beef, mutton, wheat and corn is consumed whether prices are high or low, especially when the supply is barely adequate to meet the demand. Admitting that cotton fabrics will not be so widely used for certain purposes as they were during the years of abnormally large crops and low prices, the fact remains that there is not enough raw material on hand, or in sight, or probably to come, to meet the contracts entered into by the mills with their consumers. But the analogy between foodstuffs and cotton is not complete. If beef and mutton get too high, people can resort to eating other meats or adopt a vegetarian diet. But the machinery of the mills demands the same regimen and cannot turn from cotton to wool or silk.

At the opening of the present year, rumors of impending hostilities between Russia and Japan had a depressing effect on the price of cotton. This influence, in my opinion, is largely sentimental. As far as raw material is concerned, the small portion that goes to China and Japan has been practically all bought or engaged. The small remnant of the crop that is unsold will be far from adequate to meet the demands of American and European consumers. As far as the exporting of cotton goods is concerned, we are assured of our usual market. The cargoes sent to the Orient will sail under the flags of neutral nations; and, even if Russia desired to interfere with the commerce of Japan, her naval strength would not be sufficient for the blockade of ports or a serious disturbance of ocean traffic. The trading treaty negotiated between this country and China early in January opens the ports of Mukden and Antung to American commerce and gives us entry into Manchuria. With Japan we are too friendly to fear an interruption of trade from that country as far as this Chinese province is concerned, and Russia would think twice before trifling with the rights insured to us under the treaty, even if she had not given her assent to its conditions.

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In closing I desire to put the situation in brief form. The high price of cotton is caused by the increase in the world's consumption, which has encroached upon the reserves of manufactured stocks; heavy engagements of mills, because mill-owners were deluded by "bearish" prophecies into the belief that there would be a large crop; the small stock of raw material on hand at the opening of the season on September 1st; the consequently great demand of mills upon a new crop; adverse climatic conditions, which showed that the demand would not be met; confirmation of this position by the government crop report and the census report on ginnings; additional corroboration in the official reports of light receipts and the sudden falling off of the movement.

Opposed to these evidences are comparisons with other years—precedents for an unprecedented condition; the argument that the government reports, both for the Bureau of Statistics and the Census, were untrustworthy; the declaration that the South could not be relied upon for accurate advices concerning its own staple; and individual prophecies of large crops.

Weighing the evidence on both sides, the disinterested observer can hardly avoid the conclusion that natural and unusual causes are responsible for the present price of cotton. Manipulation could not have taken the tremendous output of the South and maintained its price on an artificially high scale. No group of speculators that could be formed could sustain manipulation on so gigantic a scale. At least $500,000,000 would have been required for such an undertaking, if it had been put into operation at the time prices began to rise.

The present price of cotton is the result of the pressing demand for the staple and the inadequate supply—in other words the inherent strength of the market and the working of the laws of trade. As manipulation could not unduly raise the price of cotton, neither can manipulation lower it. The staple has "bulled" itself, and neither "bulls" nor "bears" have been more than puppets in the game played by King Cotton.

DANIEL J. SULLY.

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CANADA AND RECIPROCITY.

BY JOHN CHARLTON, M.P.

AFTER more than thirty years of indifference and scant knowledge concerning matters pertaining to trade relations with Canada, the American people are now awakening to a sense of the importance of the question, and are becoming aware of the great volume of Canada's existing trade, and of future possibilities.

In the history of the two countries, there was a period of twelve years, from 1854 to 1866, when their trade relations were of a mutually advantageous character, and were exerting a powerful influence in the creation of community of interest and the broadening of mutual relations. The Civil War in the United States gave rise to circumstances that aroused unfriendly feeling toward Canada in that country, based upon misapprehension as to facts, for the great majority of Canadians were friendly to the Union. A mistaken impression that the treaty was much more favorable to Canada than to the United States was also entertained by the majority of Americans. For the period during which the treaty was in force, the balance of trade was decidedly in favor of the United States. According to Canadian trade returns, the total imports and exports, 1854 to 1866 inclusive, were:

Imports from the United States	$332,927,000
Exports to the United States	259,875,000
Balance of trade in favor of the United States	73,052,000

These returns did not include Prince Edward Island, Newfoundland, and British Columbia.

According to American returns, the total exports and imports to all of British North America, 1854 to 1866 inclusive, were:

Exports to British America	**$343,326,000**
Imports from British America	**318,760,000**
Balance in favor of the United States	**24,566,000**

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It is true that for the last three years of the reciprocity period the balance of trade turned, at first slightly, and for the last year decidedly, in favor of Canada. This was due to the abnormal demand for horses and certain lines of agricultural and animal products, caused by the Civil War, and to the forced export of 1865--6, under the stimulus of the twelve months' notice of abrogation of the treaty; but the operation of normal conditions would have assured the maintenance of trade balances favorable to the United States. During this period of free trade in natural products, there was no extensive export of manufactures to Canada, as is the case at present; and the condition of things in this respect now existing would, with free trade in natural products, give to the United States a much larger relative balance of trade. Another circumstance that caused the favorable balance of trade to the United States to appear much smaller than was actually the case was, that no inconsiderable portion of the exports from Canada to the United States consisted of products passing through the United States for export, the direct export trade of Canada with Great Britain by the St. Lawrence route being at that time very small, as far as related to farm products.

Following the abrogation of the Reciprocity Treaty in 1866, came an attempt to renew reciprocal trade relations in 1874 through a reciprocity treaty negotiated by the British Minister, Lord Thornton, and the Canadian Commissioner, George Brown, with the United States State Department. This draft treaty put natural products on the free list, and enlarged the provisions of the treaty of 1854 by putting upon the free list all kinds of agricultural implements, and a list of thirty-seven other classes of manufactures including gray cottons, denims, tickings, tweeds, satins, leather and leather goods, printing-presses and types, engines, cabinet ware, carriages, wagons, and other wheeled vehicles, iron bar, pig, nails, spikes, etc., locomotives, printing-paper, railroad-cars, steel wrought or cast, etc. Had this treaty gone into operation, it would have brought Canada and the United States into business and social relations so intimate that it is an interesting question to what extent the blending of the two people in interests and affinities, political and social, would have gone. The United States Senate took occasion to give an example of supreme folly, by refusing to ratify this treaty.

Succeeding this abortive attempt to secure a broadening of

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trade relations between the two countries, came a period of absurd fiscal legislation by the United States, as relates to Canada, under which we are still living. This legislation dwarfed the export trade from Canada to the United States, which, after first eliminating from the returns gold, bullion, and coin, is scarcely greater in 1904 than it was in 1866. The scale of duties seems to have been designed to prevent the sale of Canadian products in the American market. During all this period, the Canadian fiscal policy has been liberal and the Canadian tariff rates moderate, so moderate indeed as scarcely to offer an obstacle to the growth of the American export trade to Canada. From 1866 to 1876, the duty upon the great bulk of Canadian dutiable imports was 15 per cent., and from 1876 to 1897, 17½ per cent. For the year 1903, the Canadian duty upon total imports from the United States was 12¼ per cent., and upon dutiable imports from that country 24½ per cent., while the average scale of American duties was 24 per cent. upon total imports, and 49 per cent. upon dutiable.

From 1874 onward, Canada was forced by her failure to gain admission to the markets of the United States, to secure markets for her products elsewhere. The great success attending her efforts in this direction is illustrated by the trade returns of 1903 as contrasted with those of 1866.

Canadian export of farm products.	*1866*	*1903*
To the United States	$25,042,000	$9,200,000
To Great Britain	3,544,000	97,200,000
To all other countries	inconsiderable	8,034,000
		$114,434,000

One of the unexpected trade developments of late years is the growth of an extensive demand in various parts of Canada for American farm products, and the fact that this demand has turned the tide of trade in this line in the direction of Canada. The Canadian market for American farm products is found in British Columbia and the Yukon and the Klondike region, in the Maritime Provinces of New Brunswick, Nova Scotia, and Prince Edward Island, and in the lumbering and mining regions of Ontario; and for Indian corn, hides, flaxseed, wool, tobacco leaf, etc., in all parts of the Dominion.

In the fiscal year 1902--3, the importation of farm products

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into Canada for consumption, from the United States, was as follows: Dutiable farm products, $6,909,000; free farm products, $14,672,000—a total of $21,581,000. The same year the export of farm products to the United States was $9,200,000, the Canadian excess of imports above exports from the United States being $12,381,000. The dutiable portion of the imports was subject to the same rates of duty, substantially, as were imposed by the United States upon articles of the same class imported from Canada. This condition of the trade leads to the conclusion that if free trade in farm products existed, the importation by Canada from the United States for domestic consumption would equal export in the same line to the United States for consumption. This, of course, would not apply to wheat, flour and other articles of which both countries have a surplus for export, as the United States in importing such products would export either them or a corresponding amount of United States products, and they would thus practically act as a factor securing for American transportation routes, millers, dealers and commission men a profitable and in every way desirable trade.

The total imports of Canada from the United States for 1902-3 were $144,763,000; the total exports $71,209,000; the balance of trade against Canada being $73,554,000. Of the exports, $18,807,000 consisted of precious metals. The imports for consumption were $137,605,000, and exports the produce of Canada $67,766,000, which included Klondike and Yukon gold.

The total imports of Canada from Great Britain for 1902--3 were $59,080,000; the total exports $131,200,000, the balance in favor of Canada being $72,120,000. The imports of Canada from the United States for this year exceeded the imports from Great Britain by the sum of $85,683,000. The exports of Canada to Great Britain exceeded the total exports to the United States by the sum of $59,991,000. The total trade of Canada for this year was: With the United States, $215,972,000; with Great Britain, $190,280,000; the difference in favor of United States being $25,692,000. The Canadian free list for American imports last year amounted to $69,485,000, and embraced the following articles and amounts: manufactures, $23,000,000; forest product, lumber, etc., $4,986,000; Indian corn, $3,250,000; flaxseed, $1,303,000; tobacco leaf, $2,241,000; hides and skins, $2,612,000; wool, $307,000; sundry agricultural products, $2,030,000; sundry ani-

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mal products, $2,267,000. The same year the American free list upon Canadian imports covered saw-logs, pulpwood, nickel-matte, hop-poles, undressed furs, grease, animals for breeding purposes, shingle-bolts, and a few more minor articles.

The non-progressive character of the Canadian export trade to the United States is shown by the fact that, while the export in 1866 amounted to $44,000,000, the export in 1903, less precious metals and articles not the produce of Canada, was no more than $48,959,000. On the other hand, a comparison of Canadian import returns from the United States will show remarkable increase as the subjoined table will demonstrate.

Canadian imports from United States for consumption.

1866	$28,794,000	1900	$109,844,000
1890	52,291,000	1901	110,485,000
1896	54,574,000	1902	120,814,000
		1903	137,600,000

The expansion has been a remarkable one since 1896.

The disparity of increase between the export and import trade of Canada with the United States is attributable directly to the character of the tariffs of each country. Since 1866, that of the United States has been practically prohibitive, the spirit in which it was formed being apparently the desire to buy little and sell much, and to refuse to meet all countries upon the basis of a fair exchange of commodities. During all the years since 1866, American tariff rates have not gone lower than 24 per cent. on total imports and 49 per cent. on dutiable imports, except possibly for the brief period during which the Wilson bill was in force. During the same period, Canadian tariff rates have not been higher than 12½ per cent. on total imports, and 24½ per cent. on dutiable imports from the United States, and in consequence of the operation of these tariffs, the antipodes of each in character, United States exports to Canada have swelled to a vast volume, and Canadian exports to the United States have been held at a standstill. It is the fruits of these two tariff policies that have given rise in Canada to a strong protectionist movement, which seems certain to result, so far as the United States is concerned, either in the adoption of the American system by Canada, or in a marked lowering of tariff barriers by the United States.

It is a significant fact that, while the exports of the United States to Canada during the Reciprocity period consisted to a

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moderate extent only of manufactured articles, the exports for the last six years have consisted of manufactured articles to an extent of over one-half of the entire amount, thus clearly indicating that if the balance of trade from 1854 to 1866, with free trade in natural products and no demand in Canada for American farm products, was in favor of the United States, now, with a heavy Canadian demand for such products and with a vast demand for manufactures, free trade in natural products would not prevent a heavy annual balance of trade in favor of the United States.

The subjoined table, showing the Canadian importation of manufactures from Great Britain and from the United States since 1898, will be of interest, especially when taken in connection with the fact that Canada has given a tariff preference to Great Britain first of 12½ per cent., 1897 to 1898, then of 25 per cent. to 1900, and of 33 1-3 per cent. since that time.

Canadian Imports of Manufactures.

	From Great Britain.	From United States.
1898	$26,243,000	$41,510,000
1899	31,187,000	49,362,000
1900	37,328,000	60,473,000
1901	36,469,000	62,643,000
1902	41,675,000	69,536,000
1903	50,473,000	76,291,000

This great increase in the sale of manufactures by the United States to Canada between 1898 and 1903, in the face of the Canadian preference in favor of British imports, gives evidence of the strong hold that the American manufacturer has upon the Canadian market, and of his ability to meet all competitors in that market upon equal terms.

The Dominion of Canada is the third largest customer of the United States among the nations of the world, and is the largest customer for manufactured goods. In the year 1902, the exports of the United States to Canada exceeded by $36,814,000 her total exports to Mexico, the Central-American States, and all of South America from Panama to Cape Horn.

The question whether this great market is worth making an effort to retain, is worthy of the serious consideration of American statesmen. That there is danger of its being seriously curtailed does not admit of doubt. Canadians are restive under present trade conditions. Their purchases from the United States last year, leaving precious metals, coin and bullion out of the

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calculation, were $280 for every $100 sold to that country. Their great balance of trade against Great Britain was used up in discharging the United States' balance against them. This state of matters cannot be continued. One remedy, that of broadening and making more liberal its trade policy, can be applied by the United States. Another remedy, that of making its own trade policy the counterpart of that of the United States, can be applied by Canada. In the near future, unless the United States applies the remedy at her disposal, Canada will be morally certain to imitate the American example and oppose stringent legislative restrictions to the natural course of trade.

The present importance of this question is great. Its future importance is infinitely greater. In the Canadian Northwest, as yet practically untouched, is a wheat-growing area as large as eight States like Illinois. Where now there are a few hundred thousand inhabitants, there will be teeming millions, and the 60,000,000-bushel wheat crop of the present year will be swollen to a figure that will make this great region the granary of food-purchasing nations. English statesmen comprehend the importance of the trade of Canada, and are evolving shadowy and theoretic schemes for preferential trade within the Empire, and possibly an Imperial zollverein, the fundamental basis of which is to be the creation in the Colonies of a preserve for British manufactures, from which foreign competitors to as great extent as possible shall be shut out; at the cost to Britain of preferential duties in the home market, as moderate as possible, for a limited list of Colonial products.

This preferential scheme is now engaging the attention of the Canadian public. Various circumstances predispose Canadians to look upon it with favor. There is soreness over the Alaskan boundary settlement. There is a sense of injustice suffered at the hands of the United States in the character of their trade policy toward Canada. There is a charm about the idea of receiving preference over foreign countries in the British market, and the proposed policy appeals strongly to the Canadian sense of loyalty. The day has now come for the United States to abandon a wrong position and retrace false steps, and it is already high noon of that day. No fear need be entertained of being too liberal with Canada. The greater the liberality of treatment the more satisfactory will be the results. The policy should be to draw Canada

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to the United States and not, as heretofore, to repel the country and constantly widen the gulf of separation and estrangement. American statesmen should at once decide, without hesitation or haggling, to offer Canada reciprocity in all natural products, in return for the substantial continuance of present Canadian tariff conditions. This would be a return to the tariff conditions of the old reciprocity period, with general trade conditions so radically changed that now Canada is a large importer of farm products for consumption, and that the United States is an exporter on a large scale of finished wares to Canada—two conditions that did not exist in the period between 1854 and 1866.

American farmers and lumbermen have hitherto opposed the free importation of Canadian lumber and farm products. Their fears as to the reduction of prices consequent upon free importation is a bugbear. No such effect as they fear would follow. In the case of products of which both countries have a surplus, such as wheat, flour, meats, etc., free interchange would not affect prices in the United States, for market rates are determined by the price received for the surplus. Had the entire wheat surplus which Canada had for export last year been sent to the United States free of duty, prices would not have been depressed in the slightest degree. The Canadian wheat so imported would either have been exported or would have displaced a corresponding amount of American wheat and flour for export. The result would have been that the competition of American buyers in Canada would have resulted in higher prices for the Canadian producer, while American transportation routes, millers, dealers, and commission men would have benefited by increased trade.

In the case of Canadian products imported into the United States for consumption, it will be found upon examination that the volume of imports is so insignificant in amount, compared with the volume of American production, as to be incapable of influencing American prices. The total export of eggs last year from Canada to all the world did not amount to one per cent. of the American production, and would not have made two eggs *per annum* for each inhabitant of the United States. The total export of Canadian lumber to the United States, including what went through in bond for export, was only two per cent. in amount of the production of sawn lumber in that country for the same year. Taking, for the purpose of making a comparison, the

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United States Census returns of 1900 and the Canadian export returns of 1902, the proportion of Canadian export to American production in various products was as follows: wheat, 1 dollar to 700; oats, 1 dollar to 5,500; barley, 1 dollar to 2,400; potatoes, 1 dollar to 1,700; hay, 1 dollar to 200. The Canadian export of live animals compared with the value of stock in the United States was as follows: horses, I dollar to 3,000; cattle, 1 dollar to 5,000; sheep, 1 dollar to 200. The absurdity of supposing that Canadian exports under these relative proportions, or even if the export was increased tenfold, can produce any appreciable effect upon American prices, is too apparent to need enlarging upon.

Free trade in natural products, and all other products, has continued in the United States since the Constitution was adopted. In that country, there is great variety of soil, climate, productions, and cost of production, but free trade has been found to be mutually advantageous to all the States. The same policy will apply with equal force to Canada.

The Chamberlain proposition for Colonial preferential trade creates a complication in the reciprocity issue at the present time. Last year Mr. Chamberlain spoke almost contemptuously of the Canadian preference in favor of Great Britain, of 33 1-3 per cent., and declared that its effects were disappointing, and that it was chiefly valuable as an evidence of loyal sentiment. This estimate of value was wide of the mark. The preference had actually rescued the British export trade to Canada from practical extinction. This trade had gone down from $68,000,000 in 1873 to $29,000,000 in 1897. The effect of this Canadian preference has been to bring this trade up to $59,000,000 in 1903. For the substantial benefits it has conferred, Great Britain has not made the slightest return, has indeed scarcely made an acknowledgment. Canadian cattle are scheduled and must be slaughtered upon arrival, and Canada was given no preference when the registration tax of about four per cent. upon grain was imposed. Now Mr. Chamberlain proposes a preferential tax upon certain articles for the benefit of the Colonies. He calls this proposed tax a moderate one, which it certainly is. The limit is to be two shillings, sterling, per quarter of eight bushels upon wheat, a corresponding tax upon flour, five per cent. upon eggs and dairy products, and a duty, amount not stated, upon fruit and wine, in neither of which would Canada have much interest. In return

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for this preference, Mr. Chamberlain informed his hearers at Glasgow that Canada would be expected to abstain from entering upon new lines of manufacturing not already established, and to give Great Britain substantial advantages in competition with foreign states. No recognition is made of the present Canadian preference. It is, apparently, to count for nothing; and yet last year it effected a saving of duty to the British exporter of $2,700,000 from the regular tariff rates. The proposed Chamberlain preference on the Canadian exports for 1902 would amount to $3,600,000; but it is doubtful whether Colonial products would be enhanced in price to the amount of the duty, as compared with prices that would obtain if no duty was imposed; and it is probable that the present Canadian preference is a full equivalent for the preference proposed by Mr. Chamberlain.

In the event of Mr. Chamberlain's proposed policy being endorsed by the British electorate, so far as the proposal to protect British industries from foreign competition is concerned, Canadian sympathies and good wishes will go with him and his party, and it is not to be supposed that Canada will object to preferential treatment in the British market. All will turn upon the question of what the privilege will cost; and, when the time comes to attempt to adjust details, we shall step from the realm of sentiment to that of hard prosaic fact, and it is more than possible that the reconciliation of Imperial and Colonial expectations and views will be found to be a task that cannot be accomplished by the best efforts of those who will be called upon to attempt to harmonize Imperial demands with Colonial interests. At this juncture, there will also be the possibility of another complication arising. Sixty-eight per cent. of Britain's export trade is with foreign countries, thirty-two per cent. with her Colonial Empire, including India, less than three per cent. of this latter amount being with Canada. Is it not more than possible that the hostility of the United States and other foreign Powers will be provoked? No objection can reasonably be made to the adoption of the protective system by Great Britain; but a preferential system between Britain and her Colonies may not be viewed with the same degree of complacency, and, whether justly or not, complications may arise of a most embarrassing and undesirable character.

The advantages offered to Canada by Mr. Chamberlain's proposal for a moderate preference on half a dozen articles, would

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be trivial compared with the advantages that would fall to Canada from reciprocity with the United States in natural products. Reciprocity is preference. If the United States removes the duty from any article in favor of Canada and retains that duty against other countries, then Canada has a preference in the American market to the extent of that duty. Under this view of the case, the American preference on wheat would be 25 cents, British 6 cents; American preference on flour 25 per cent., British preference 8 per cent.; American preference on eggs, cheese, and butter, an average of 25 per cent., British preference 5 per cent.; and, beyond the list of articles covered by the proposed British preference, would be barley and other grains, beans, potatoes, turnips, hay, lumber, ties, posts, telegraph-poles, cattle, horses, sheep, poultry, meats, garden vegetables and roots, fruits, ores, stone, lime, cement and many other articles upon which the American preference to Canada would be expressed by the rates of duty now levied. To sum up the matter in a sentence: the proposed British preference is sentiment; American reciprocity in natural products would be business.

In the future, the bearing of the relations of Canada with the United States will have much influence upon the relations between the United States and Great Britain. Under some circumstances, this influence may be a paramount one. With the question of better trade and political relations with the United States, is bound up influences that will in a marked degree influence the future of the English-speaking race upon the North-American continent. It is not the present or the immediate future alone that demands consideration. The day will come when four hundred million people who speak the English tongue will occupy the seven million square miles which the Anglo-Saxon now possesses in America. Shall this great future be one of harmony, where justice, truth, good-will and mutually advantageous relations shall prevail? Heaven grant that it may; and let all thoughtful, well-meaning men in the two countries realize that the words and actions of Canadian and American jingoes are not in the interests of the future myriads for whom we are now laying down the lines.

JOHN CHARLTON.

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REAL CONDITIONS IN THE CONGO FREE STATE.

BY PAUL S. REINSCH, PROFESSOR OF POLITICAL SCIENCE IN THE UNIVERSITY OF WISCONSIN.

THE article by Mr. Demetrius C. Boulger, which appeared in the NORTH AMERICAN REVIEW for December, confined itself so closely to the juristic and diplomatic aspects of the Congo question, and dealt with them in a spirit so lenient toward the management of Congo affairs, that, in view of this attempted defence, it would almost seem an injustice not to call attention to the conditions actually existing in the Congo Free State, as far as they appear from documentary evidence and from the unanimous testimony of eye-witnesses.

The policy of exploiting the natural wealth of the vast territories of the Congo Free State primarily for the benefit of the government itself—of the sovereign and his associates—has developed with constantly increasing force during the last decade. As early as 1885, when the Congo State declared, by the decree of the first of July, that all unoccupied land would be considered as belonging to the State, the main tendency of the exploitative policy of the Congo State authorities was already foreshadowed. The peculiar conclusions from this principle of state occupation were not drawn until after 1890, when the Brussels Conference had given the Congo State the right to impose a tax on imports, and had thus rendered it practically self-sufficing and independent of the good-will of European nations. In 1891, a decree was issued by the government to the commissioner of the Uelle district, directing him to secure all the domanial products for the State. As a result, the natives of the vast region occupied as public domain were forbidden to sell the rubber or ivory which they had gathered, to any but the State officials, while merchants

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purchasing these articles were treated as having received stolen goods. In other words, the natives, who had by immemorial custom gathered the products of the forests from the unoccupied lands, were suddenly deprived of this right; and private commerce, which had by many sacrifices and at heavy expense established trade relations and trade routes, was declared illegal, indeed criminal, by a stroke of the pen.

The decree of October 30th, 1892, divided the State into three approximately equal zones. The northern third of the State constitutes the *domaine privé* of the State, within which the State is absolutely the sole proprietor and merchant. The second or southeast zone is the field of operation of the Katanga Company, in all the profits of which the State takes a share of two-thirds; in this zone, private acquisition of land and private commerce were forbidden until ordinances respecting these matters should be made, and such ordinances have not as yet been issued. The third or southwest zone, comprising the basin of the Kassai River, was nominally left open to private enterprise; but a license fee of 5,000 francs for every trading station, and a toll of one-fifth of all rubber gathered, are exactions which did not prove encouraging to private commerce. Still, fourteen Belgian companies operated for a time in the southern part of this zone. These fourteen companies were in 1901 consolidated into a large trust, the Kassai Company, in which the State owns one-half of the stock, the other half being distributed among the private companies. The latter no longer carry on commerce on their own account, the Kassai Company enjoying the exclusive privilege of exporting the forest products. In all really important companies which carry on the exploitation of the Congo, the State is interested, either as a large stockholder, or through a right to share the profits of the undertaking. The situation, therefore, reduces itself in fact to this: that the State exploits the natural resources of the Congo, either directly through its officials, or through Belgian companies in which it has large interests or in the profits of which it shares. That the sale of land to private individuals is not encouraged is apparent from the almost prohibitive price put on all the land, and from the fact that throughout two of the zones, and in one-half of the third, land will not be sold at all. The total income from the sale of lands in 1901 was only $14,000.

To argue that a situation such as this does not constitute an

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interference with private commerce, manifests a total disregard of all facts, in consideration of the specious legal pretext that the State has a right to assume full property in, and control over, the million of square miles comprised in the Congo State, and to establish an *a priori* right to all the products thereof. Articles One and Two of the Berlin Congo Act of 1885, by which, though the Congo State may already have been established, its continued existence was made possible, provide that the commerce of all nations shall enjoy perfect freedom, and that none of the Powers that exercise sovereign rights in the Congo region shall there establish monopolies or privileges of any kind which relate to commerce. As the only export commerce that has ever existed in this region is the commerce in forest products, any legislation which restricts and virtually annihilates this commerce as far as private individuals and companies are concerned, certainly comes most directly within purview of the prohibition. That the British government, whose subjects were the first pioneers in exploration and commerce along the Congo, has a perfect right, nay, is in duty bound, to protest against this régime will hardly be denied by any one who is not blinded by quasi-legal forms. Mr. Boulger says: "I find the proportion of the British trade to the whole is about one-sixth, the same as in 1891." As a matter of fact, in 1902 out of a total commerce of 73,500,000 francs, Belgium enjoyed 63,700,000, while Great Britain had the paltry sum of 2,600,000, or about one-thirtieth of the whole.

We are told that "the flourishing condition of the finances and commerce of the Congo State is the crowning proof that it enjoys internal peace and prosperity." The inconsequence of this statement will become apparent at once if we analyze the actual figures of Congolese commerce and finance. In 1901, the exports were as follows, in francs:

Rubber	43,965,000	Hides	5,000
Ivory	3,964,000	Cocoa	6,000
Palm Nuts	1,372,000	Tobacco	1,000
Palm Oil	802,000	Coffee	61,000

It will be seen from this table that, outside of rubber and ivory, the export of which is practically monopolized by the State and by a few favorite companies, the total export of products from this vast empire—in itself as large as all of the United States east of Illinois—was but little more than 2,000,000 francs or

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$400,000. Eighteen years of "material regeneration" have resulted in the export of a few thousand dollars worth of cocoa and coffee,—indeed a magnificent result. When we compare these figures with those of the neighboring colony of Kamerun, under a much-maligned German administration, a colony only about one-fifth as large as the Free State, we find that its exports of palm products and cocoa amount to 4,000,000 francs a year.

The imports of the Congo Free State amount to only 23,000,000 francs, or less than one-half of its exports,—a situation unprecedented in any European colony, and of itself indicating the rate at which the natural wealth of this territory is being drawn out. Among the expenses of the Congo Free State, we find the item of 7,700,000 francs for the public force, and 1,000,000 francs for public works. None of all these figures requires any commentary. Far too clearly to be concealed by any humanitarian manifestoes, they prove the true inwardness of the economic policy now employed in the Congo State by its agents under the direction of its exalted founder and sovereign. The lamentable consequences of this policy upon the condition of the natives have been attested unanimously by so many trustworthy witnesses, that it is no longer possible for the government to deny their existence. It is, therefore, now urged by the defenders of the Congo administration, with a cynic smile, "that we are all of us sinners," and that British, French, and German occupation of Africa has led to many instances of cruel treatment. No matter how true this is—and unfortunately the frequency of inhuman acts against the blacks cannot be denied by any nation—it is totally beside the point in this discussion; for, whatever the "admirable native code" of the Congo Free State may say, the economic system of the government itself puts a premium upon the exploitation and enslavement of the natives. The commissioners of the government have been instructed "to devote all their energies to the harvesting of rubber, and to proceed as far as possible by persuasion, rather than by force." The latter clause is, presumably, a part of the admirable code for the protection of the natives. The fact that the government officials are employed for commercial purposes indicates, of itself, that the Congo Free State is not a true political government, but a huge trade monopoly. It is one of the first principles of colonial government, as applied by civilized nations, that the public officers

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should have nothing to do with commerce. In their work of procuring rubber and ivory for the government, the commissioners in the Congo State are assisted by the "public force," an army of natives, bloodthirsty, tyrannous, with the instincts of cannibals. These armed representatives of public order are let loose upon the native population to teach them the dignity of labor, and to initiate them into the beatitude of civilized life. The natives are forced not only to pay a heavy tax in forest products, but also to bring to the government depots a certain fixed amount of rubber every month. The admirable native code of the Congo Free State provides that the natives shall be paid liberally for their work. The payment, in fact, is five cents a pound, when the market price of rubber is as high as one dollar. No wonder that the finances of the Congo Free State are in a flourishing condition. If the quantity of rubber demanded is not promptly forthcoming, the uniformed savages of the State are directed to apply moral suasion to the delinquent villages. In order to give satisfactory proof that their duty had been conscientiously carried out, they have been wont to return to the commissioner the smoked and dried hands of men and children, which served as vouchers to the officials. That whole populations were driven in terror to take refuge in the distant bush, or that, according to the report of the former governor of the French Congo, 30,000 natives at one time sought safety across the frontier, is not, therefore, a matter of surprise. While, on account of the aroused European opinion, the government has attempted to restrain some of the worst abuses, and while among their agents there may be many who attempt to give the natives some kind of protection, it is evident that the latter must continue to suffer terribly as long as a system continues which makes it part of the duty of officials and soldiers to extort the largest possible amount of rubber and ivory.

"How is it possible," it will be asked, "that such conditions are tolerated by the Belgian nation?" The Congo system, it is true, has not escaped criticism in the Belgian Parliament, as is apparent from the following expressions taken from a debate in 1901:

"We are adversaries of the capitalist colonial policy which entails exploitation, theft, and assassination. The Congo Free State has introduced forced labor, tribute in kind, and a forced twelve-year military service. We protest against this disguised form of slavery." "Remember the thirteen hundred severed hands."

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The reason why a system with such undoubted abuses has been able to maintain itself, must be looked for in the high profits obtained by the companies which are exploiting the Congo under the direction of the government. In 1901, a dividend of 900 francs per share was declared by the Abir Company, or ninety per cent. on the face value of the stock, which was at one time worth twenty-five times its par value or one hundred and twenty-five times the capital actually paid in. The profits of the *Société Anversoise du Commerce au Congo* in two years amounted to four times its nominal capital. Dividends such as these are calculated to make men optimistic and tolerant. A government that can produce such results must be eminently successful; its work is indeed that of humanity and progress. The current reports of cruelty, bloodshed and enslavement are evidently due to the insinuations of jealous rivals! As the objections to the Congo monopoly come from British and German traders, who are most directly concerned, the political antipathies of Europe are allowed to enter, and the representations of the British government are interpreted purely upon this basis. We are thus in danger of having the Turkish situation over again; a native population subjected to inhuman treatment because the European nations, on account of their mutual jealousies, cannot deal effectively with the question.

That the policy of economic exploitation now employed by the Congo government is not calculated to lay the foundations of a lasting economic system is only too evident, when the facts are considered. The large demands made upon the natives for rubber necessitate the profuse bleeding of productive vines, and, consequently, their rapid destruction in ever-increasing areas. The immense profits of this exhaustive exploitation cannot conceal its ruinous nature. Even now, millions of hectares along the main rivers have been utterly devastated for the time being, and the Congo State is seeking to reach new territories by constructing, in company with a large corporation, a railway from the Congo to the Great Lakes. May that divinity which is so often invoked in the process of moral and material regeneration have mercy upon the natives of these territories about to be opened; for, from the savage levies of the Congo Free State, they have as little to expect as from the Arab slave raiders!

PAUL S. REINSCH.

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THE POSTAL SERVICE.

BY E. F. LOUD.

THE postal system must always be an interesting topic, for its efficient service is forced upon our attention every day by the missions of love, hope, business and pleasure it brings to us. Nearly every one in this great land is a patron of the post-office. It is, therefore, a subject of personal interest to every one, and all classes desire that the system shall be successfully conducted.

During the past year, disclosures have been made of dishonesty and unfaithfulness on the part of a very few of the post-office officials, about fifty out of 150,000 employees being involved in the wrong-doing. The publicity given to this wrong-doing has stimulated some to characterize the entire postal system as inefficient and corrupt. A moment's reflection will convince the thoughtful that the wrong-doing, however much to be deplored, does not in any way reflect upon the integrity of the many thousands of efficient employees in the postal service. Nor does it disclose any defect in the postal system itself. It is simply a development of the weakness of human nature. Such peculations will continue so long as the nature of man remains unchanged.

The United States Postal Service is the greatest in extent, and is as economically and as well managed as any other postal system in the world. The representatives of other countries are visiting this country to learn its methods, with the view of applying them in their own countries. This vast system is conducted by as efficient and faithful a body of men as can be produced in any country. The operations of the Department involve the handling of more than a billion dollars every year; and the annual cost of conducting the business is about $150,000,000.

The postal service is extravagantly managed; but that is true of all government departments, as compared with private business

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enterprises. One potent reason for this is, that a government department, particularly the Post-office Department, is organized to extend facilities to the people without regard to the result as a matter of profit or loss. A private corporation quickly eliminates every element that involves loss, and as far as possible transacts only such business as results in profit. Again, few men can, at once successfully and economically, manage an institution in which they have no financial interest or hope of reward.

I once heard that a Postmaster-General called a new postmaster at an important office to Washington for instructions, and the instructions were, "Turn in all the money you receive, and satisfy the people."

It is worthy of note that, while it has not been suggested by any critic that the postal service should be taken out of the hands of the Government, it has been unfavorably compared with the express business. I will not follow that course in treating the subject, but will briefly discuss, from the standpoint of one who has had some years' experience with and in the postal service, some of the criticisms which have been made upon it, and the additions to its present functions which have been proposed.

In discussing these questions, I shall do so with information and experience gained by contact with the postal service, and without prejudice or bias. If I differ from others who have written upon these same questions, the differences may be due to the fact that we have looked at the subject with different eyes and from different points of view.

Before I entered Congress in 1890, and with varying vigor ever since, constant efforts have been made to induce Congress to establish a parcels post, a postal telegraph, and a postal savings-banks, and to revise the railway-mail pay.

I will take up these questions in the order mentioned, and, so far as I am able, will treat them with that impartiality and fairness that their importance demands.

It is often carelessly stated that one man dominates Congress, or terms of similar import. Any one who has had experience in either the Senate or the House knows full well that such statements, however attractive in print, have no foundation in fact. Neither can a Member of Congress dominate a Department. Congress is composed of men who represent their people, and unless the will of the majority is in accord with his, a member can

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accomplish nothing. The House of Representatives has never yet been influenced by any one man except in accordance with its judgment; and in the end the judgment and will of the majority prevail.

Neither the Post-office Committee, nor its chairman, ever has had, nor will have, any voice in the management of the Post-office Department, save such as may be involved in preparing and recommending the passage of the appropriation bills, criticising the service, and suggesting laws for the control of the business. The Post-office Committee may be criticised because it has not recommended the establishment of parcels post, postal telegraph, postal savings-banks, and a revision of railway-mail pay, etc. I do not believe, however, that these projects, if adopted, would prove advantageous to the interests of all the people.

PARCELS POST.

Congress has been urged for a number of years to establish the parcels post system, to be operated in conjunction with the postal service. It is true that many of those who have favored this service are considered practical business men; and it is equally true that there is hardly a sincere socialist who has not, in season and out of season, advocated it. To the socialist it is a step towards the attainment of the end he has in view—the ownership and operation of everything under one great centralized power of the people, for the people, and by the people.

An express business is not a proper function of the postal system, which is not organized to do that character of transportation. Its adoption would involve the organization of an entirely new branch of business, the providing of large and expensive warehouses in all the large cities of the country, the ownership and use of vast drayage and wagon systems, also an entirely new system of transmission, unless the advocates of the measure propose to carry the parcels post matter on fast trains with mails at maximum cost, which would be impracticable, because of delay in loading and unloading, etc.

I doubt whether any one advocating the parcels post has a clear idea as to the effect that the adoption of the system in this country would produce.

It is reasonable to expect that the proprietors of the great department stores would favor a parcels post, for it would probably

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be much to their advantage; the country merchants, however, if consulted, would probably be just as earnestly opposed to it, because it would injure their business.

I will not advocate the cause of either; I am willing that the law of trade shall control both.

I believe in the cheap transmission of goods to the people, and of the transportation of the farmers' products to the market as cheaply as any one is able to do the service, and all will be transmitted, by the laws of commerce, as cheaply as the work can be done, for, while rates may be temporarily excessive, the laws of commerce will ultimately prevail. I want as cheap an interchange of goods and products as can be had, but I do not wish to be taxed to transmit the goods and products of others. Those who favor parcels post, say that England, France, Germany and other countries have the system, and that it works well. That is true, but the conditions geographically and socially are wholly different. In these countries, the dense population is concentrated and the distances are not great. These conditions might make the system practicable and profitable there, while our conditions would make it impracticable and unprofitable here. The officials in the countries named do not know whether the parcels post system is profitable or not. I have been credibly informed that, so far as England is concerned,—and that is the only country that attempted to find the cost,—so long as a separate account was kept of the service, it was found to be conducted at a considerable loss, and the only way in which it could be held to be a great success was to quit bookkeeping. A government that has the taxing power can do this, but an individual that has to furnish the resources could not maintain his credit long under this method.

It is not to be disputed that the Government cannot do anything as cheaply as the individual. Government is not constituted to do business other than such as it must do for national protection and defence. In the erection of public buildings, the Government invests two dollars where an individual would invest one to secure the same space. A vast number of buildings would have to be built if parcels post were adopted, and a vast outlay would result.

It is fair to assume that the express business is profitable; but what evidence is there that the Government could make it pay expenses, charging the same rates? There are many reasons why

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it could not. It would cost many millions to prepare for the service. The system of government management is not founded on business principles.

We have a striking example for comparison in the money-order business. The Government and the express companies charge substantially the same rates. The Government nets a large loss. I assume the express companies make a profit, or they would discontinue the business. I do not overlook the fact that the printed reports give a large profit on the money-order business; it can be demonstrated, however, that only a portion of the expense attending the conduct of the business is considered.

POSTAL TELEGRAPH.

Many of those who advocate parcels posts insist that we should have a cheap postal telegraph, and among this class are most of those who make a failure of managing their own or other people's business, but are always confident that they could successfully manage any business for the people. They seem to think that some restrictions have bound them in conducting their own affairs; but once given a full field in some large enterprise unrestrained by the petty annoyances of private business, and with a confiding and indulgent people, they will have reached the sphere for which they were created. Without doubt, they could give us a very popular postal telegraph system, so long as the people furnished the money. The people are patient and long-suffering, and they would never know, under the government system of bookkeeping, whether a portion of the expense were paid from the general treasury, or whether all the expense was met by the receipts of the telegraph business.

Postal telegraph advocates also urge that European countries have made a great success of this system. The general impression seems to be that it is both cheap and profitable. I will make no comparison with any country but England, because no other country attempts to keep an account separate from the general postal business, and the charges are substantially the same, German rates being a little higher than those of France or England. The English charge is sixpence for twelve words, including address and signature. Address and signature for all cities would consume most of the twelve words, and a ten-word despatch would cost from twenty to twenty-five cents. Of course, you may register an

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address for twenty-one shillings a year, which must be a great boon to the people generally, who send perhaps one message when some relative dies. To the large banks and firms who send hundreds or thousands of messages it means considerable saving. It must be borne in mind that England is no larger than the territory covered by the prevailing twenty-five-cent rate for ten words in this country, and the population is much more dense. Geographically, England may be compared to New England and the Middle States, and I have no doubt that the present telegraph management would make a reasonable profit in such territory at less than one cent per word, including address and signature.

In the face of the printed reports of the English postal telegraph service to the contrary, it is generally accepted that the service is profitable, or at least self-sustaining. Such I found to be the prevailing opinion among the English people at the time I made an official examination of the English postal system in 1899. There was published in my report on the foreign postal service an official report, giving the receipts and expenditures of the postal telegraph system from the time the Government took charge of the service in 1870, up to and including the fiscal year 1898, which shows that, at the time the Government took control, the business was profitable, paying a net profit the first year of its management of $235,000, and the second year of $25,000. Since that time it has shown an increasing deficit, which, in the year 1903, had reached $4,461,325, the total deficit for the whole period being $53,939,000, not including interest on the deficit.

The foreign rates are not cheap, and there is a very large deficit which must be to a large extent borne by people who seldom, if ever, use the service. There seems to be no just reason why conditions would be different here. We must assume that they would be worse. Our form of government I do not hold to be as well equipped for government management as England's. Conditions geographically and socially would also militate against us.

POSTAL SAVINGS-BANKS.

It has always seemed to me that, if the Government owed any duty to the citizen, it was in the direction of fostering self-reliance; if any practices or teachings are to be inculcated, they should be towards the independence of the individual. It cannot be the duty of Government to look carefully after the interests

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and welfare of every individual in every direction; and, surely, if the Government should take care of the money of the citizen, should it not loan him money, and set him up in business, and direct the way in which he should conduct it? I have watched carefully the progress of legislative efforts since 1888, during which year, also in 1890, Congress came very near enacting legistion establishing postal savings-banks. In that measure it was proposed to pay four per cent. interest on deposits, with restrictions as to amount of deposit, etc. That rate of interest was considered very conservative, as the savings-banks of the country were at that time paying a higher rate. Let us suppose such legislation had been enacted, in what class of securities would the money have been invested so as to pay the interest? Government securities have not warranted the payment of more than one and a half per cent. for some years, and no first-class municipal bonds much more than two. Of course the rate of interest could have been reduced by legislative act, but let us look at probabilities rather than possibilities. Does any one suppose that it would have been possible to reduce the rate of interest received by ten, or twenty, millions of people, some millions of whom had votes, and many others influence in all the States and Congressional districts interested—the widow and the orphan, the man with the hoe, the horny-handed son of toil, and all the elements which soften the hearts of Congressmen, and make them love their fellow man? This representation may seem sordid, but I am taking human nature, perhaps not in the ideal sense, but in the practical, common, every-day sense, as you find men when their interests are at stake; and I have found very little difference between the man who owns the bank, and is not agonizing about postal savings-banks, and the man who might have his little mite on deposit with the Government. They all want what is coming to them, which is generally all they can get.

The postal savings-bank would mean a large perpetual national debt; and to adopt the system would necessitate the purchase of the whole amount of outstanding bonds, which amount, no one contends, would be sufficient to cover the amount that would be deposited. This course would inevitably increase the price of the securities and lower the rate of interest. There is no man so wise that he can tell what the rate of interest will be five or ten years hence. Twenty years ago four per cent. looked

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so small that it would have attracted few depositors; yet, once adopted, it could not be reduced. The citizen whose opinion is worth considering seeks the most of life; using his judgment, he always seeks the bank that pays the highest rate of interest; the less he has, the more income he naturally wants for a dollar. The Government is not constituted to manage a successful banking business, it must work by the written statutory law so safely guarded as to surround it with insurmountable restraint. A banking business requires quick perception and at times action in many of the details of the business; no successful business institution can wait years for legislation to determine whether the rate of interest should be raised or lowered, or whether securities should be bought or sold. Some discretion must be lodged somewhere, but it cannot be safely lodged in legislative acts to be carried out by men who have no financial interest in their actions. There are plenty of good savings-banks throughout the country, and people with the present means of communication have no difficulty in reaching them. The depositor who is looking for a very high rate of interest may find a weak institution; he, however, would not patronize the Government bank, but those who have reason need not go far to find a sound institution that will pay in interest what money can earn. Discarding, however, that line of thought, it is not the function of the Government to furnish facilities for the investment of the people's money, which is the life of commerce and must be kept in active work to fulfil its proper function. European countries that have many socialistic features have postal savings-banks, but why should we desire to follow them? Is it because those countries have made a great success? Of course, the Government has the taxing power and can issue more bonds to pay the interest, which would be the inevitable result here. Would it not be better to allow the people to do such business as is properly theirs, and confine the Government to its legitimate functions of attending to that which the individual cannot successfully do?

RAILWAY-MAIL PAY.

Some people lay down the basis of things they propose discussing in the Postal Department, pointing out its shortcomings and trying to arouse a sentiment which shall bring the people to realize its defects, and thus lead to improvements which shall

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put the postal service on a par with that of other civilized lands. It would be immodest to suggest here that a person competent to do this subject justice should at least be familiar with the practical workings of the postal service, both at home and abroad; a few garbled sentences, recollections of a portion of a sentence some one has uttered who is or has been connected with the postal service, cannot convey much of value to those who are seeking information.

These propositions are contained generally in the following allegations:

1st. That the service is inadequate and makes no material advance.

This is untrue; the service has made more material advance in the handling of written or printed mail matter than any similar service on the earth.

2d. That postal business is managed with lack of efficiency, economy, and no appreciation of the needs of the country; that the Postmaster-General and Assistants are selected for political considerations, and are not required to have knowledge of the service.

In part this is true, but such is the result of all governmental operation; and this imperfection or fault, if fault it be, is not restricted to this Government, it is fundamental. In all Governments, the management of affairs has been, is, and must of necessity continue to be placed in the hands of men skilled in politics. Our Government, and the English as well, are controlled by parties, with some policies in opposition; these parties strive for control; and, as the mind of the people seems to change, the different parties come into and go out of power. This, if there were no other, seems sufficient reason why Government should manage no more enterprises.

3d. That the service rendered in some respects is less liberal than formerly.

Except as to some articles wrongfully admitted to the second-class privilege, this is mere general criticism, addressed to nothing, and no practical improvement has been suggested.

4th. That the rate of payment for transportation of mails has not been reduced in twenty years, while all other rates have been reduced.

This is in a sense true. As an abstract proposition, there has been no reduction in the scale of rates paid to railroads; that is,

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a railroad receiving a stated amount for carrying two hundred pounds, or any other given amount of mail, over its line daily, receives the same amount to-day that it did twenty years ago. But it must be borne in mind that this is only true, providing the road carries only the same amount. There are very few people who seem to understand the law governing the transportation of mail. Nothing original is stated when the allegation is made that the railroads receive the same pay to-day that they did twenty years ago. But whoever makes this statement either deliberately seeks to mislead the people, or else knows nothing about the subject. In approaching a question of this magnitude, one should feel that he stands upon absolutely secure ground. The subject has been very fully investigated during the last thirty years by at least three separate commissions, none of which has reported in favor of a reduction. A Joint Congressional Commission, composed of four Senators and four Representatives, was appointed in 1898, continuing such investigation nearly three years, and reporting to Congress in January, 1901. The testimony and report, comprising three large volumes, is and has been since that date a public document, and accessible to those who desire to inform themselves. The writer of this article was a member of that commission. With a view of making comparisons as to cost, he visited foreign countries, and while any accurate comparison cannot be made, because no account is kept of cost excepting in England, it is plainly apparent that in England the cost of carrying mail is greater than in this country; and the writer is convinced, from what could be gathered in France and Germany, that the same conditions prevail there. The commission was very forcibly struck by the great ignorance of this question on the part of officers of the best railroads in the country. Upon reflection, and with some little knowledge gained in the investigation, it does not seem so strange. In money received, the railway-mail business is only three per cent. of the total business of railroads, and the present officers have no recollection relative to the fixing of rates. The commission employed an expert, Professor Adams, of the University of Michigan, who, for the first time, after many months of patient and intelligent work, laid the subject before it in a form to be as plainly understood as the alphabet, and I have never hesitated to say that this report is the most valuable ever rendered upon this subject.

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While the scale of pay has not been changed since 1878, I sometimes think that the man who framed the law "builded better than he knew," for the Act itself takes advantage of the law that density of traffic should lower rates, and makes a constant automatic reduction. The maximum pay is $42.75 per mile of road yearly for two hundred pounds a day, and the rate descends by degrees until it reaches $21.37 per ton per mile of road a year. Or, to take it in a different way, the pay descends from $1.17+ per ton per mile, to $0.585+per ton per mile. On a very few routes, where the average weight carried is below two hundred pounds, the rate is even above the maximum here given, but it is so small that it is not worth considering. This system of payment takes full advantage of the density of traffic, as well as the many other incidental questions surrounding it—notably, the railroads are required to deliver mail to post-offices within eighty rods of the station, which, in some cases, is a tax greater than the total amount of mail pay on the smaller routes. The greater amount of mail carried is met by a corresponding reduction in pay per pound. The average rate of pay for the whole country, including postal-car pay, was 26+ cents per ton per mile in 1873, and had fallen in 1898 to 12-+ cents. Not including postal-car pay, it had fallen from 20+ cents in 1880 to 11+ cents in 1898. Whether this reduction is enough may be a debatable question, but the figures so far presented are simple mathematical facts upon which there can be no difference of opinion. These figures are furnished in Professor Adams's report to the commission, and they must dispose of the statement that there has been no reduction since 1878. It is going on every year, as the weighings are made to determine the rate of pay for the successive four years. Passenger rates have fallen since 1881 21 per cent., freight rates 44 per cent. and mail rates 39 per cent. The passenger mileage has increased since 1880 224+ per cent., ton mileage of freight 313+ per cent., and mail 555+ per cent.

It can readily be seen that the increased percentage of mail has been much greater than freight, and the fall in rates has been five per cent. less. It will also be observed that the decrease in percentages in passenger rates has not kept pace with freight. If the same increased economies can be utilized in the transportation of passengers and mail as are used in the transportation of freight, then the same reduction should be made in rates, that is, corre-

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sponding with the increased density. But the tendency seems to be in the opposite direction. While, in the transportation of freight, twenty-five years ago a 20,000-pound freight-car would carry 25,000 pounds of paying freight, to-day it is common on most roads to have a 26,000-pound freight-car carry 60,000 to 65,000 pounds, and the latest freight-cars, weighing 33,000 pounds, carry 100,000 pounds of freight. The motive power, the wear and tear of track, wages of train-men, and many other things, do not distinguish between dead and paying weight. In passenger and mail traffic, the tendency is in the opposite direction. While a 60,000-pound sixty-foot car answered for the carriage of mail, a car the same length to-day weighs from 90,000 pounds to 100,000 pounds, and for through passenger traffic the weight and expense of the car are increasing all the time. The average weight of mail, and number of passengers per car cannot increase by reason of the demands of the times, the passenger demanding more of the comforts and frequency of service with increased speed, and the mail demanding the highest attainable rate of speed with a more thorough separation of mail *en route*. The reduction in passenger rates is legitimately chargeable to the large increase in suburban service, which permits of greater concentration and increased number of passengers per car.

The only question remaining to be solved, in order that we may have a clear understanding of the laws governing transportation, is whether the original rate was adequate pay or too high pay, and whether the earnings from the carriage of mail are such as to return a more than reasonable profit to the railroads. The first question cannot now be readily determined, but the latter can be answered with a reasonable degree of certainty by taking the earnings of each branch of the railroad business. As a transportation proposition, where the mail is carried outside of mail or apartment cars, and in bulk, the pay seems to be very high, but this is a small, what might be termed a retail, business; and the delivery of mail, the free transportation of Government agents under various titles, etc., may make it not a profitable business. I cannot discuss that portion of the business and obtain any mathematical result, nor can any one, so long as the payment is by weight, space being unknown. It is, however, an insignificant part of the mail business, below 5 per cent. of the whole. But where a part of a car or a whole car can be used, a reasonable

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conclusion, by comparison with earnings of other service, may be reached. We know, with a reasonable degree of certainty, the average weight of mail transported in mail-cars of given space and weight, the average given us being two tons per car. It will be asked why they do not carry more, as two tons cannot be the maximum capacity. I believe a sixty-foot car can carry four tons of average mail and do the distributing that is necessary. But the car must run every day. Some days the mail is more than double the amount that it is on other days; and it must be borne in mind that the trend of mail from the great centres to the westward or outgoing is double what it is eastward or incoming. Hence, while in some sections and at times these cars are filled to the maximum, at other times they are not filled. For comparison, I will take a route across the continent, New York to San Francisco, for it embraces many different conditions. The earnings of a mail-car, with two tons of mail, would be $531.26, three tons $796.89; with twelve tons of first-class freight the earnings of the car would be $720, with eight tons of express $1,080. With ten passengers (The Interstate Commerce Commission gives this average), the earnings of car would be $817.50. The passenger and mail cars, with load, we will allow, weigh much the same. The weight of the freight and express car is less than one-third the weight of the mail and passenger car. The mail will not average much more than two tons per car on this whole route. Mail and passengers are transported at a high rate of speed, and it is safe to say that it costs more to transport and operate six mail-cars than eighteen freight cars. The earnings of exclusive mail trains are less than earnings from either freight or passenger.

To sum up: while railway-mail pay attracts attention as the largest single item of postal expenditure, we must admit that it represents the most important feature of the postal operations, and whenever a revision seems necessary in the laws governing the expenditure, it is of vital importance to the commercial and social interests of the American people, that the question be handled conservatively, and only after thorough investigation by postal and transportation experts.

E. F. Loud.

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THE FIFTY MILES ORDER.

BY HISTORICUS.

WAS the fifty miles order given by the Secretary of the Navy on November 2nd, 1903, many hours before there was a revolt at Panama against the government at Bogota, an illegal order if tested by the Thirty-fifth Article of the New Granada Treaty of 1846? The answer depends upon a critical historical inquiry, the nature of which I can now only give in the merest outline.

The following is a transcript of one of the orders:

NAVY DEPARTMENT,
WASHINGTON, D. C., *November 2, 1903.*

GLASS, *Marblehead, Acapulco:*

Proceed with all possible dispatch to Panama. Telegraph in cipher your departure. Maintain free and uninterrupted transit. If interruption is threatened by armed force, occupy the line of railroad. Prevent landing of any armed force, either Government or insurgent, with hostile intent at any point within 50 miles of Panama. If doubtful as to the intention of any armed force, occupy Ancon Hill strongly with artillery. If the *Wyoming* would delay *Concord* and *Marblehead*, her disposition must be left to your discretion. Government force reported approaching the Isthmus in vessels. Prevent their landing if in your judgment landing would precipitate a conflict.

DARLING, *Acting.*

What will be the practical effect if the question shall be answered in the affirmative? That question is here irrelevant. It will be for Congress to hereafter consider. The present Congress can condone, as it probably will do, or it can condemn.

The effect of any diplomatic notes, or arrangements, between Washington and Bogota, since the Treaty of 1846 was exchanged, upon the right of the President to intervene in the internal affairs of Colombia, either by way of aiding Colombia to execute her engagements with the United States, or to prevent the landing of Colombian troops on the Isthmus under certain circum-

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stances, will depend on the text of those as yet unrevealed notes, or arrangements, when they shall have been made public in conformity with Senator Gorman's very practical and explicit resolution of inquiry.

The theory first suggested on September 2nd, 1903, in "*Le Matin*" of Paris, by the present Minister at Washington of the republic of Panama, and upheld by the President in his recent special Message to Congress—which implies that the nations have, by their representatives, assembled in international conference, invented and proclaimed a new rule of public law in regard to the proprietary rights of Colombia, Panama, or Nicaragua, in the land and water of an Isthmian crossing, have empowered and requested the United States to be the representative of the nations in executing, in respect to a canal, a new article of the international code, and also to be the mandatory of "collective humanity," in the phrase of Mr. Varilla, or of "collective civilization," in the terms of President Roosevelt, to excavate a canal, by a preliminary process of condemnation of the needed land and water to the uses of the canal, by right of international eminent domain, or international socialism—will not be now discussed.

It is established by documents recently published, which accompanied the Treaty of 1846 when it was sent to the Senate by President Polk, that our *chargé d'affaires* who negotiated that treaty acted "upon his own responsibility and without instructions." Mr. Buchanan has made that assertion twice,—once as Secretary of State, and once as President when sending to the Senate on April 5th, 1860, a treaty with Honduras. It is also established by those documents that the Thirty-fifth Article was not proposed to New Granada by the United States in order to obtain a right of way over the Isthmus. The chief object which the American negotiator had in mind was to rid the United States of injurious preferential duties which were then levied by New Granada on merchandise imported into her ports in American vessels. As compensation for the abrogation of those preferential duties, New Granada proposed to grant to the United States an Isthmian right of way, but the United States was to protect the sovereignty of New Granada over Panama against the aggressions of Great Britain, and France, and also against the United States herself. President Polk hesitated to send the treaty to the Senate

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on account of that proposed guarantee by the United States, and after he finally had decided to send it for ratification, and did make the transmission, it remained in the Foreign Relations Committee of that body for more than a year. The Whig opposition took no interest in the treaty. When it was finally presented for final action in the Senate, not more than a third of the Whig Senators took the trouble to vote on it. It was reported in the newspapers of the day as having received the full Democratic vote chiefly because it had been sent in for ratification by President Polk.

It was New Granada that pressed the Thirty-fifth Article upon the American negotiator, who does not appear to have asked from her any surety that the United States be secured in the things promised. He did not exact a stipulated right in the United States to enforce those things in Panama territory if New Granada failed in her engagement, and for the reason, probably, that he did not in 1846 appreciate the need. Indeed, it would not have been quite feasible to adopt a stipulation that the United States should have the right to enter within Colombian jurisdiction with her officials, in order to enforce Colombia's stipulations in the treaty.

One who carefully notes the character and variety of the several stipulations made by Colombia, will realize the impracticability of imparting to the United States such a right of supervision.

The first stipulation, for example, of the Thirty-fifth Article is "that the citizens, vessels and merchandise of the United States shall enjoy, in the ports of New Granada, all the exemptions, privileges and immunities, concerning commerce and navigation, which are now or may hereafter be enjoyed by Granadian citizens, their vessels and merchandise." It would have been unreasonable for the United States to ask that New Granada permit American officials to prevent in Panama a denial of that engagement.

The second stipulation is, "that this equality of favors shall be made to extend to the passengers, correspondence and merchandise of the United States, in their transit across the said territory, from one sea to the other." It would obviously have been impracticable to permit United States officials in Panama to identify the things and to execute that stipulation.

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Another stipulation is, that no other tolls, or charges, shall be levied, or collected, upon the citizens of the United States, or their said merchandise, thus passing over any road, or canal, that may be made by the government of New Granada, or by the authority of the same, than is, under like circumstances, levied upon and collected from the Granadian citizens; that any American products thus passing to and fro, "for the purpose of exportation to any other foreign country, shall not be liable to any import duties whatever, or, having paid such duties, they shall be entitled to drawback upon their exportation." No independent government could be expected to permit a foreign government to enter its jurisdiction to enforce such an engagement.

In the middle of the Thirty-fifth Article, and intermixed with such stipulations, is the one declaring that "the Government of New Granada guarantees to the Government of the United States that the right of way, or transit, across the Isthmus of Panama, upon any modes of communication that now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States." There seems to be no reason why officials of the United States should have been permitted by New Granada to enter the jurisdiction of Panama to enforce that stipulation any more than to enforce any of the other stipulations already referred to.

Some three or four years after the New Granada treaty was signed, a concession to build and operate a railway in Panama was granted by Colombia to a New York corporation. The corporation did not claim that the treaty had given the concession. The treaty had stipulated that any future "road, or canal," over which a free transit should exist, must be one "that may be made by the Government of New Granada, or by the authority of the same." The railway was in 1855 completed and in running order. The New York corporation, receiving the concession, agreed to make to Colombia therefor an annual payment of two hundred and fifty thousand dollars, which sum Panama will now probably claim must be paid to her by virtue of the recognition of her independence and her succession to the former government of Colombia from which she has successfully seceded. It is said to be an historical fact that the negotiation of that concession by the railway suggested to the United States the need of obtaining, in future transit treaties, the stipulation of

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a right in the United States to physically enforce the freedom of transit when obstructed. In a subsequent treaty concluded with Mexico in 1850, such a stipulation was inserted. On page ninety-eight of the second volume of Professor Wharton's "International Law Digest," it appears that Secretary Marcy attempted in 1856 an amendment in that direction of the New Granada treaty, but that government refused to negotiate.

Early in 1853, the Mexican Government authorized American citizens to construct a plank road and railroad across the Isthmus of Tehuantepec. In order to secure the stable benefits of said transit, Mexico, by a treaty concluded with the United States in that year, stipulated that she would protect with her whole power the prosecution, preservation and security of the work, and also agreed to the novel stipulation that "the United States may extend its protection, as it shall judge wise, to it, when it may feel sanctioned and warranted by the public, or international, law." Had such a stipulation been contained in the New Granada treaty of 1846, the question now presented regarding the recent fifty miles order given by the Navy Department might not have arisen, provided that order had been given and executed in good faith, simply to protect the Panama Railway in its right under the treaty as a common carrier, and without ulterior purposes of self-interest and ambition which would have been "criminal aggression."

Fourteen years later, after a multitude of ineffectual attempts by previous Secretaries of State, a treaty was negotiated with Nicaragua (and ratified, for a wonder), for similar preservation and protection of a transit route through that country. Therein it was stipulated that Nicaragua shall always employ the requisite force for that protection, and, upon failure to do that from any cause, the Government of the United States might, "with the consent, or at the request, of the Government of Nicaragua, or of the Minister thereof at Washington, or the competent, legally appointed local authority, civil or military," employ such force for that purpose, but for no other. And then came a novel stipulation, which is to the effect that, in the exceptional case "of unforeseen, or imminent, danger to the lives, or property, of citizens of the United States, the forces of said Republic are authorized to act for their protection without such consent having been previously obtained, but no power or duty imposed upon, or con-

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ceded to, the United States by the provisions of this article, shall be performed, or exercised, *except by authority, or in pursuance of, laws of Congress hereafter enacted.*" Nicaragua seems, at that time, to have had more confidence that the Congress of the United States would act justly, and not in a filibustering spirit, than it had in the Executive. If a similar stipulation were in the New Granada treaty of 1846, many of the pending questions of treaty interpretation and international law would probably not have arisen. But there was no such stipulation, and the historical evidence is that New Granada refused to consent to give such power to the United States. Did she fear what came to pass last November?

How many Secretaries of State have within the last half-century endeavored to make treaties with one or another of the governments of Central America in regard to Isthmian crossings, and how many of those treaties have perished in the process of ratification by the legislative authority of one government or the other? Secretary Cass endeavored many, under direction of President Buchanan, but not one of them emerged into life out of the furnace of ratification.

The need of a stipulation with Colombia authorizing the United States to enter with its officers into the Department of Panama, in order to protect the railway, was, in April, 1856, very painfully brought into view by a riot at Panama after the arrival there of nearly one thousand passengers who had landed at Colon, had been transported across the Isthmus, and were at Panama awaiting the arrival of a steamer to take them to San Francisco. The disturbance began by an altercation, between a drunken passenger and a Panama negro who sold fruit near the railway station, over the refusal of the former to pay a dime for a slice of watermelon. A pistol-shot was fired. Thereupon, the riot began. Loaded cannons were used. Panama police took possession of the station. There was bloodshed and plunder. Twenty persons were killed, twenty-nine wounded, and there was a loss of over half a million dollars of property. Secretary Marcy demanded reparation under the Treaty of 1846, and expressed his expectation that, after what had happened, "New Granada will station a military force along the route of the railway, and at Colon and at Panama, such as will secure adequate protection." Negotiations to that end were not concluded while Marcy remained in office.

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They were carried on by Cass, his successor. During those negotiations, it was not suggested by anybody that the United States had engaged to maintain uninterrupted, or unembarrassed, transit over the railway. New Granada conceded her obligation to do it, but insisted that the Treaty of 1846 had not enlarged, or varied, the duty of all governments, under the law of nations, to preserve peace and good order within their territories. She denied that she had engaged to be an insurer. Finally, on September 10th, 1857, a treaty was concluded at Washington, by which New Granada "acknowledges its liability arising out of its privilege and obligation to preserve peace and good order along the transit route," and stipulated that all claims, growing out of the riot at Panama shall be referred to commissioners for ascertainment of the damages and the sums due.

There was no intimation that the United States had engaged to protect the transit, or had any responsibility for preserving good order along the transit route. After a long delay, and the interposition of a second commission, New Granada made pecuniary reparation to the United States for the damages inflicted.

There were, about this time, many things done by Panama officials in violation of the treaty. Among others, there was an attempt to levy a tax of more than three dollars on every pound of mail matter transported across the Isthmus, the aggregate of which would have been more than two millions of dollars annually. Panama authorities undertook to impose tonnage duties on foreign vessels in Panama ports, and also to require American citizens, passing across the Isthmus, to pay a head-tax. Those attempts so exasperated Secretary Marcy that he wrote, on December 31st, 1856, to the American Minister at Bogota, a minatory note, to the effect that the United States would resist by its naval forces at Aspinwall and Panama any *forcible* attempt by New Granada to lay a tonnage tax upon vessels of the United States at those ports. President Pierce, in his last Annual Message to Congress, referred to those repeated violations at Panama of the Treaty of 1846, and said:

"I have deemed the danger of the recurrence of scenes of lawless violence in this quarter so imminent, as to make it my duty to station a part of our naval force in the harbors of Panama and Aspinwall, in order to protect the persons and property of the citizens of the United States in those ports, and to insure them safe passage across the Isthmus, and

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it would, in my judgment, be unwise to withdraw the naval force now in those ports until by the *spontaneous* action of the Republic of New Granada, or otherwise, some adequate arrangement shall have been made for the protection and security of a line of interoceanic communication so important, at this time, not to the United States only, but to all maritime states both of Europe and America."

The Cabinet of Pierce had in it Marcy, Caleb Cushing, Jefferson Davis and Guthrie, who were not likely to endure patiently such conduct toward American citizens in violation of treaty obligations. Their strength in Congress was so great that they felt certain of ratification and approval by it of whatever might be done in the direction indicated by the President. At the same time, it will be noticed that Pierce did not either land, or propose to land, a military force upon the Isthmus, until he had been authorized by Congress.

The years 1855-6 seem to have been, for some reason, cyclonic years on all of the Isthmian crossings. There was a great deal of ill-feeling and improper conduct between citizens of the United States, going to and fro across the Isthmus between the Atlantic and Pacific oceans, and the mixed races,—white, black, red, yellow, half-breeds and hybrids, who were the inhabitants of the Isthmus. In addition to that, there were pecuniary disputes between Central-American governments and American *concessionaires,* which were aggravated by filibusters from New Orleans and California who invaded some of those Central-American states under Kinney from New Orleans, and Walker from California.

Early in the first half of the last century, the Accessory Transit Company, under the head of Commodore Vanderbilt, had obtained a concession from Nicaragua for the transportation of passengers and freight, which continued in successful operation, with great advantage to the public, till 1856, when the route was closed by Nicaragua, and the grant to the Company, as well as its charter, summarily and arbitrarily revoked. The United States endeavored in vain to compose the strife. The result was war between Costa Rica and Nicaragua, and that competition ceased between the rival routes of Panama and Nicaragua, and, in consequence, unjust sums were exacted for transportation to and from California. It was to that condition of things that Secretary Cass alluded, in the note to one of our Ministers in Central

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America from which President Roosevelt quoted, and to which he referred in each of his recent Messages to Congress as if General Cass had declared that, in the absence of a treaty giving a right, the United States could lawfully force the opening of a transit route in defiance of the government having jurisdiction thereof. The quotation was explained, modified and interpreted by Cass in a subsequent note to be found on the sixteenth page of the third volume of the "International Law Digest." If the President had read that note, he owed it to Cass and Congress to invite attention to the interpretation given by the author. President Buchanan, in his second Annual Message of December 6th, 1858 (Vol. V., Richardson's Papers, page 515), referred to the petty controversies between the Government of Nicaragua and its *concessionaires,* and declared that:

"*Whilst their rights of sovereignty ought to be respected,* it is the duty of other nations to require that this important passage shall not be interrupted by the civil wars and revolutionary outbreaks which have so frequently occurred in that region. The stake is too important to be left at the mercy of *rival companies,* claiming to hold conflicting contracts with Nicaragua. The commerce of other nations is not to stand still and await the adjustment of such petty controversies. The Government of the United States expect no more than this, and they will not be satisfied with less. . . . If disputes arise between it (Nicaragua) and those with whom they may have entered into contracts, these may be adjusted *by some fair tribunal provided for the purpose, and the route must not be closed pending the controversy. This is our whole policy,* and it cannot fail to be acceptable to other nations."

President Buchanan did not express a purpose, on his part, or on the part of the United States, nor did his Secretary of State, to condemn, by right of eminent domain, land in a foreign jurisdiction. That would have been the doctrine of the "Ostend Conference" which Marcy rebuked.

The critical period in the relations between the United States and Central-American governments, growing out of the Isthmian crossings, was from March, 1852, to March, 1861, when the War of Secession began; and a clue to all that was done, under either Pierce or Buchanan, can be seen in their Annual, and in many Special, Messages to Congress relating to the subject, all of which can be found in the fifth volume of "Richardson's Papers," and especially on pages 368, 416, 518, 538, 569, 585 and 643. By comparing what Pierce said upon the subject in his

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last Annual Message (page 416) and the opinions expressed by his successor, it can be discerned how much, if at all, the two differed in regard to the right of the President to enter upon the jurisdiction of a Central-American state in order to secure the execution of a guaranty of free transit. A single paragraph taken from Buchanan's second Annual Message to Congress (page 516) will sufficiently indicate his view of the constitutional relation between the executive and legislative authorities of the United States. He said:

"The executive government of this country in its intercourse with various nations is limited to the employment of diplomacy alone. When this fails it can proceed no further. It cannot legitimately resort to force, without the direct authority of Congress, except in resisting and repelling hostile attacks. It would have no authority to enter the territories of Nicaragua, even to prevent the destruction of the transit and protect the lives and property of our own citizens on their passage. It is true that, on a sudden emergency of this character, the President would direct any armed force in the vicinity to march to their relief, but in doing this he would act upon his own responsibility."

Buchanan in each Annual Message urged Congress to enact a law authorizing the Executive to employ the naval force at his command for the purpose of protecting the lives and property of American citizens passing in transit across the Panama, Nicaragua, and Tehuantepec routes, against sudden and lawless outbreaks and depredations; but Congress steadily refused to make such an enactment.

In his third Annual Message, he argued the question with Congress, saying, among other things, that "the chief objection urged against the granting of this authority is, that Congress by conferring it would violate the Constitution, that it would be a transfer of the war-making, or, strictly speaking, the war-declaring, power to the Executive. If this were well founded it would of course be conclusive. A very brief examination, however, will place this objection at rest." His argument was that Congress could as well confer power upon the President to exert force should a case occur in the future, as to wait until the mischief had been done and then confer authority, when perhaps the remedy would be too late, and that "to confer authority to make war in order to meet future cases, under circumstances strictly specified, is as clearly within the war-

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declaring power, as such an authority conferred upon the President by an Act of Congress after the deed had been done."

Congress refused to confer the power.

Those opinions were expressed by President Buchanan after the treaty with Mexico of 1853 had been made, which authorized the United States to apply force in its discretion to protect the crossing at Tehuantepec, but he insisted, nevertheless, that Congress should authorize the President to use force even in the execution of such a treaty.

Looking back over the last half-century of events in Central America, and the collisions that have occurred between the governments of that part of the world and the United States, a great deal of toleration for Central America cannot fail to be felt, on account of the character of the inhabitants with which those governments have had to deal. If when the Spanish-American states to the south of us had obtained their independence of Spain, they had adopted a policy, in regard to the relation of the colored races to the new governments established, similar to that which the successors of those who landed at Jamestown and at Plymouth Rock established in North America, the result would probably have been very different. But they did not! They did not do that which Chief-Justice Taney declared, in the *Dred Scott* case, those did who framed the Federal Constitution, and the several State constitutions—which was, not to regard the black, red or colored races as citizens, or members of the body politic. That great and good Chief-Justice, "the purest of earth or sky," did not say that, at the time of the adoption of the Federal Constitution, "a negro had no rights which a white man was bound to respect," which he has been so persistently quoted as saying; but he did say that a negro had been considered, for more than a century before that period, as a being of an inferior order. Mexico, Central America and South America have paid the penalty for adopting a standard, possibly more humane and philanthropic, for the selection of those fitted to vote, and to participate in framing and maintaining a political government.

HISTORICUS.

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RELIGIOUS ASSOCIATIONS AND THE FRENCH GOVERNMENT.

BY THE ABBÉ FELIX KLEIN, PROFESSOR IN THE CATHOLIC UNIVERSITY OF PARIS.

I.

Not only once, nor twenty times, but a hundred times during a recent trip in the United States, was the writer of these lines questioned about the politico-clerical agitation which for some years, with daily increasing and disquieting rapidity, has been troubling his native country, France. Americans, who are citizens of a free and tolerant country, are astonished that a great nation of Europe can still be absorbed in quarrels of such a nature. They cannot understand how a republican government in the twentieth century should put outside the pale of common law a whole category of people because of their way of comprehending life or of practising religion. They naturally ask how much truth there is in the news the telegraph brings of a systematic course of pursuits,—not to say persecutions,—undertaken by that government; and perhaps they would be disinclined to believe such news if, from time to time, they did not actually see members of Religious Orders of both sexes landing on their free shores, in quest of an asylum, of a means of livelihood.

In treating this subject, I am therefore certain of dealing with preoccupations that already exist in the minds of American readers; and they may be equally certain that my character of priest will not prevent me from writing in a spirit of perfect loyalty and independence. If, for love of liberty and justice, I happen to blame the government, it will not be because of any hostility on my part to the Republic, on whose side I have always declared myself; if I happen to speak in favor of the Religious Associations, it will not be because of any solidarity with them,

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since my ideas have often been in conflict with the ideas expressed by some of their most powerful representatives,—the Jesuits; and since, also, at the very moment of writing this article, I am being attacked, in a reactionary paper, by a Religious, well known in the United States as the author of an extravagant pamphlet against the Paulist Fathers, Cardinal Gibbons, and Archbishops Ireland and Keane. Besides, in mentioning these details, I have no wish to furnish an additional pretext for the opinion that the secular clergy in France dislike the Religious Associations and refuse to recognize the great good they do. That such is not the case needs, as proof, but the statement of the following fact: When the Associations applied for their legal authorizations, out of eighty Bishops in France, seventy-five signed a petition to Parliament in their favor, collectively, four signed individually, and one, only, abstained. Therefore, out of eighty Bishops, seventy-nine were favorable; and the clergy think as do their chiefs.

But the question is not as to whether one likes the Associations, or not. I will go even farther and I will say that the question is not whether a small number of them may have contributed to the mistakes made by those French Catholics who formerly opposed the establishment of the Republic, and who on a certain notorious occasion, recently, gave proof of great intolerance. The question is: Have the elementary rights belonging to every citizen of a civilized country been violated, or not, in their case? Is the law that was made against them just or unjust? And was the law, when it had been passed, applied unjustly, illiberally, contrarily even to the intentions and public promises of its authors? This is what must be examined, and what we shall now examine.

II.

The law dealing with Associations generally, which was promulgated on the 2nd of July, 1901, contains two parts very different from each other. By the first part, all French citizens have the right to "associate together freely without authorization or previous notice given." I may say here that, since the time of Napoleon I., all such matters had depended on Article 291 of the Penal Code, which says: "No association of more than twenty persons, whose aim is to meet together every day, or on certain fixed days, to treat of matters religious, literary, political or other, can be formed except with the consent of the government, and

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under conditions which the public authorities may be pleased to impose on the society." Such is the liberty France has had to be content with for one whole century!

The second part of the law of 1901, so liberal as regards the average citizen, is more tyrannical even than the Napoleonic Code where Religious Associations are concerned. Such Associations cannot be formed "without authorization given by a law determining the conditions under which they operate," and, supposing that they have obtained such authorization, "they cannot found any new establishment except by virtue of a decree given in the *Conseil d'État.*" But there is something more. These establishments, every one of which has had to be authorized in the *Conseil d'État,*—each Congregation has had to be authorized as a whole by a special law—are always at the mercy of the Executive! The text of the law here merits attention: "the dissolution of a Congregation, or the closing of any Establishment, may be pronounced by decree given in the Council of Ministers." Can Americans understand that an institution authorized by a law of Congress may be suppressed at the will of the Cabinet?

What steps is it incumbent on a new Congregation to take in order to obtain proper authorization? It must previously submit to, and afterwards always hold at the disposal of, the public officers an exact account of its income and expenses, an exact statement of the value of all its property, whether personal or real; the name, age, occupation past and present, of each one of its members, with a complete record of his history. And, even after all this, it is by no means a certainty that the authorization will be granted. Should it take upon itself to become a constituted body without proper authorization, every member may incur a fine up to 5,000 francs and be sent to prison for a period up to one year. The same penalties may be exacted from any person that lets out a room, a hall, a workshop to any member of a Congregation; and these penalties may be doubled in the case of a Founder or Director.

Are the conditions better of Congregations that were in existence before this law was passed? Although, for many years, these have had treaties with cities, or with the state, for schools, colleges, asylums, hospitals, and all sorts of public establishments, henceforward they are to be considered as non-existing, and they are obliged to take all the steps described above. If, notwithstanding

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this, authorization is refused them, they are "dissolved by the very fact, and the liquidation of their property shall take place by public process." That is to say, all their property will be disposed of by forced sale; and if, after the expenses of liquidation have been paid, and after provision has been made for the maintenance of former works of charity, if then, by chance, there should remain anything over, the government *may* give whatever it considers proper to whichever member of the Congregation it considers worthy.

There remains one more point to examine. What will become of a member of a Congregation which has not received authorization? The answer to this question is very simple: he must starve, beg or emigrate. For he is prohibited from doing, even by himself, the only things for which he has either taste or ability. The greater part of Religious, whether men or women, are teachers; and, according to Article 14 of the new law, "no one shall be allowed to direct an establishment for teaching, nor shall any one be allowed to give instruction in it, if he or she belong to an unauthorized Religious Congregation." Any one transgressing this law shall be punished by fines and imprisonment as above; "and the establishment may be closed by virtue of the same judgment." Remark this word "*may*"; in many cases the law itself leaves the government absolutely free to act as it pleases. To-day, in France, one constantly comes into contact with such anomalies as this: of two schools, established and existing under identically the same conditions, one is for the moment tolerated, and the other is closed, especially if any local rancor or vengeance may be served by closing it. In the latter case, the Religious, if a priest, can no longer preach or perform any ecclesiastical function; and the secular priest who invites him to preach is punished by the government.

III.

Such is the severity of the law against the Congregations. But the manner in which it is enforced, even more than its text, will astonish readers who have the good fortune to belong to a free country. This law has been applied with so much vigor, so much arbitrariness and, I may say, with so much illegality, that its principal author, M. Waldeck-Rousseau himself, has been obliged, on two occasions, in June and in November, 1903, to declare in full Senate that the law has been completely warped. On the lat-

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ter occasion, he gave battle to the Combes Ministry and was defeated by a majority of eleven votes, so powerless was he to arrest the blind forces he had himself unchained. In consequence of this, M. Waldeck-Rousseau, discouraged and disgusted, is retiring, at least for a time, from public life.

The first step taken by M. Combes beyond the limits of the law, was the closing of numerous schools directed by Congregations *duly authorized.* This act on his part was absolutely in opposition to the declarations made, during the discussion of the law, by M. Waldeck-Rousseau, who, as Prime Minister, stated most emphatically in the Chamber of Deputies that this law would in no way affect Free Schools. Six months later, January 27th, 1902, the *Conseil d'État,* on the contrary, declared that an authorization was necessary every time a Religious, even if authorized and acting alone, wished to open a *new* establishment. Again, six months later, M. Combes, who had become Premier, decreed that schools founded without authorization *previously to the passing of the law* by an authorized Congregation, were in an irregular state; and he closed three thousand of them. It was because of this, and not for any other reason, that the peasants of Brittany and of Savoy attempted a revolt in July, 1902. Those persons who from afar blamed their conduct severely, were not aware, perhaps, that these same arbitrary acts provoked protestations in many other quarters. A former Prime Minister, an avowed Radical, M. René Goblet, wrote concerning this matter, and at this time, as follows:

"I persist in thinking that a régime of real liberty, joined to an exact application of the school laws, would be infinitely more serviceable to the cause of the Republic than a system of coercion (I refrain from saying persecution), which is as irritating as it is useless, and on which, I see with regret, that the Republican party is entering."

And M. Gabriel Monod, the celebrated Protestant historian, wrote to M. Viollet, member of the Institute, and President of the Catholic Dreyfus Committee (for there were a certain number of Catholics on Dreyfus's side):

"The government has taken several contradictory measures that have bewildered its supporters; and it has stirred up throughout France an agitation of which it is impossible to foresee all the consequences. Those persons who, like myself, favor absolute liberty of association, and, at the same time, the separation of Church and State, are frightened and

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heartsick when they see the Anti-Clericals of to-day manifest towards the Catholic Church the same feeling and conduct that the Catholics manifested formerly towards Protestants and heretics of all kinds."

While previously authorized Congregations were being treated in this way, what was happening to the others? Called upon to solicit authorization, and to give to the civil authority a list of all their members and of all their property, they grew perplexed, and a scission took place among them. The greater part, yielding to the advice of the Pope, of the majority of the Bishops and of the most liberal laymen, consented to submit to the law, and to take all steps necessary for obtaining authorization. A small number of them, notably the Jesuits and the Assumptionists, and others like them, declared that the government had set a trap for them, and that they preferred to disband of their own will; this allowed them to disperse their members, close up their charities, and dispose of their possessions without rendering an account to hostile officials. Now, it is sad to admit it, events proved that these intransigent Congregations were right. The others, those who gave themselves over, tied hand and foot, to the justice of Parliament and government, were refused the authorization they had been compelled to ask for.

This is perhaps the most scandalous part of all the story. Because of an early irregularity, and one that called forth an unavailing protest from the author of the Waldeck-Rousseau Law, the requests for authorization which should have been submitted to both Chambers, were submitted to only one; the government asked the Senate to authorize four or five unimportant Congregations, and at the same time asked the Chamber of Deputies to refuse several hundred. But there is something else still more serious; the requests should have been, according to all justice, examined one by one, and M. Combes did at first take this course; but, seeing that the Chamber wished to get on faster, and preferred to reject the applications *en bloc,* M. Combes consented, and even asked for a vote of confidence on this point. The Congregations were divided into three series: teaching, preaching and commercial. Each series was despatched at a vote, without any examination of detail, and in such fashion that the names of the greater number of the Congregations were not even mentioned in the debate. In the Chamber of Deputies one of the former Ministry, M. Leygues, who had been instrumental in get-

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ting the law passed, and in the Senate the head of that same Ministry, M. Waldeck-Rousseau himself, declared that the law would never have been enacted if it had been understood in this way. I will cite his own words, which are the more positive in substance as they are moderate in expression:

"From the day when the Chamber consented to group together the requests for authorization, and to reject them *en bloc* and by categories, instead of examining them on their merits, from that moment the application of the law seemed to become more irritating; and people have been in a position to say that, on that day, the Chamber of Deputies made a law that was destructive of the former law."

Thus, the requests for authorization of those Congregations which submitted to the law, were rejected all together; and we are face to face with this supreme injustice: they are in a far worse predicament than the Congregations which did not submit to the law. The latter, not having disclosed their membership nor their possessions, escaped, to a great extent, from administrative vexations. The former were unable to save a single one of their houses, or a single security of any kind. From the fact that their names were set forth in the requests for authorization, all the members were denounced individually, and existence became impossible for them in France.

It might be said that, as a last resort, they could have been secularized. But the government will not admit this transformation as valid, and it continues to treat them as Religious, even if they are not more than three, or two, or even one. The Religious who are priests are allowed, it is true, to accept functions from the Bishop of the diocese whence they came. But, this, if it were really practicable, would amount to nothing else than compulsory residence—a thing contrary to modern ideas of liberty. It is not, however, even practicable, since, usually, all Religious come from the same dioceses, that is to say, where Christian fervor most abounds; and in those districts there are more priests already than there is room for. Besides, this apparent resource is not one for the Brothers and Sisters; they have only to hide away like malefactors, or go into exile, or die of hunger. On the very day on which I am writing these lines (November 27th), I see in all the newspapers that, yesterday, condemnation was pronounced against two former Sisters who had given up their school, left off their costume, and taken refuge in the house of a baker, where

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they gave lessons to two little girls, one the baker's daughter, and the other a neighbor's child. Another Sister, near Pont-Audemer, in Normandy, has been prosecuted for having become a cook in a school. At Lille, a Sister was prosecuted because of "having nursed sick persons gratuitously."

In vain is it that many judges (in France, judges are named by the Executive power, and depend for their advancement on it) refuse to be parties to such practices; all the just sentences they pronounce, in spite of menaces or promises, are quashed by the Court of Cassation, the supreme tribunal, which, unfortunately, as regards independence, has little similarity to the Supreme Court of the United States.

So vigorous an application of the law creates situations so extraordinary that to understand them from a distance is almost impossible. Laws cannot be pushed to this extent of violence and folly in a civilized country; the government, notwithstanding its great desire and effort, has not succeeded in obtaining complete obedience; it is exasperated at its own impotence, and constantly has recourse to new laws, to new decrees; and no one can foresee what will be the end of this venomous persecution.

I suppose the reader will now realize that the aim of the present French government is not to impose respect for the law on Congregations that are supposed to be in revolt against the law, but rather to attack and destroy them simply because they are Catholic Associations. M. Waldeck-Rousseau, who is so apt at finding expressive formulas, declared that "this is no longer to *confine* religious society within its own limits, but to *pursue* it within those very limits." That this is so, is proved by the action taken by the Senate in November against the authorized Orders. While new rules were being considered concerning the *enseignement sécondaire,* the equivalent, as nearly as possible, of American High Schools and Colleges, an obscure fanatic, named Girard, proposed that this course of instruction should never be open to any teachers who profess vows of obedience and chastity. This very grave measure is aimed at all authorized Orders and the Secular Clergy. The French Premier asked for delay to enable him to consult the other Ministers; and, after a cabinet meeting, he announced that he accepted, as a principle, the dominating idea of this amendment; that he reserved the question of the Secular Clergy for treatment when the subject of the Concordat came up

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for settlement; but that he approved of excluding members of all Orders from teaching in these schools. The debate was animated and warm. M. Waldeck-Rousseau himself took an energetic part in it, and showed how odious it would be to deprive Orders that have been authorized for a long time of the right of teaching—that is to say, of fulfilling the very purpose for which authorization had been given them. All the Liberal Republicans spoke in the same strain, but in vain.

One more feature, and this already heavily charged tableau will be finished. As the last vote deprived the Orders of the right of teaching in the "*enseignement sécondaire*" only, M. Combes has prepared a bill forbidding the Orders, even those which are authorized, to teach in *any institution whatever,* from the Universities down to the Grammar-Schools. This is how the matter stands at present. No one in France doubts that the Government intends going further, and a campaign is already begun in the official newspapers with the aim of preventing from teaching any who have taken vows of chastity—or, in other words, all members of the Catholic Clergy.

IV.

All this must appear very strange to the inhabitants of a free and modern country, in whose Constitution it is written: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." In France, we have not yet acquired either the idea of real liberty or the truly modern spirit; we have not yet shaken off the last remaining habits of a tyrannical Past.

M. Combes and his friends, who imagine that they are the leaders of all progress, are committing again the errors of the Middle Ages. That which Philip II. did in Spain, in his making use of the Inquisition; that which Louis XIV. did in France, in revoking the Edict of Nantes and in driving out the Protestants; that which England did, in her treatment of the Pilgrim Fathers, the Anti-Clericals in France are doing to-day, in their hatred of the Religious Orders. They are placing these Orders beyond the law; they are preventing members of these Orders from living as they see fit to live, and from earning their daily bread; they are practically forcing these members to leave France, all solely because of their ideas and innermost convictions. It is the old crime of heresy reversed. Since 1789, the French state has pro-

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fessed no longer to recognize religious vows, either to protect, or to attack them; and in this it does well. But how illogical is it, then, to deprive certain individuals of their civil rights, merely because they take vows which it does not recognize! How does it concern the state if young men and women take the vow of chastity before God, and lead a life in common, devoting themselves to doing good in the manner they deem best? Is it not monstrous that, in the beginning of the twentieth century, the Government of a great country should arrogate to itself the right of interfering in a matter of this kind, even that it should bring such subjects into the scope of its deliberations? Whether this vow be good or bad, is a question for one's own conscience. Let those who think it bad endeavor to turn others from it by means of persuasion; but to try to prevent it by brute force is the most retrograde course in the world.

The measure of true civilization is indicated by the degree of respect in which one person holds the rights of another; every man and woman, so long as not encroaching on the rights of others, is inviolably entitled to act, and, *a fortiori,* to think, to believe, to pray, as he or she wishes. The French Government, by preventing certain categories of citizens from assembling together, or from acting together, solely because their ideas are not its ideas, has gone backward several centuries on a capital point, and has resurrected one of the most shameful practices of the past, the misdemeanor of opinion.

I am well aware that many arguments have been used to justify the unjustifiable attitude of the Government against the Orders, but they are all based on false allegations. It has been stated, for example, that the Orders were growing too rich; but statistics prove that this is true of hardly any; while, on the other hand, it would have been sufficient (although a strange way of understanding freedom) to impose a limit upon their wealth.

It has been urged that it is dangerous to confide the education of young people to men or women who, by their vow of celibacy, are outside of family life. Now, experience proves that celibacy, without, of course, being necessary for, is on the contrary favorable to, the development of sentiments of devotion to other people's children, and especially when it proceeds from deep religious feeling. And even official statistics, of recent date, demonstrate that it is an additional guarantee in the matter of

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morals; from 1894 to 1898, the average condemnations of religious teachers was 3.71 in 100,000; of lay teachers, 9.93.

It is further claimed that the Orders are a menace to the existence of the Republic. But if it is true that certain members of one or two Orders have tried to oppose the Republic (or rather, perhaps, the party to-day in power), are not the same means of defence available against them as against others? And, in any case, is that a reason for attacking a multitude of Religious of both sexes, whose lives are passed completely outside of all political preoccupation, and who often do not even know if France is a Republic or not? The exclamation of an old Trappist may be cited, who had been in his convent for forty years; when, in 1880, he was expelled by the decrees of Jules Ferry, he raised his hands to heaven, and cried out: "I never should have expected such treatment from King Louis Philippe!"

Neither the Nuns nor the Monks constitute a source of danger to the Republic. The Republic is, thank God, solidly established in France now, and, we sincerely hope, for all time. We Catholic laymen and priests of the new generation are, with very few exceptions, as much attached to it as any citizens; and we bitterly regret the mistakes of our predecessors who, by not accepting it at the very beginning, have furnished pretexts to the enemies of our religion. But there are those who, if they had their way for any considerable length of time, would end by compromising the cause of liberty and even the existence of the Republic. These are not the men who live in convents, but those who abuse the public power they wield to-day by attacking religious ideas, the foundations of duty, and the free exercise of personal convictions. If, in spite of the warnings of non-religious statesmen, like Ribot, Goblet, Waldeck-Rousseau and many others, they persevere in the baneful course they have marked out, they will surely, sooner or later, bind together the idea of Republicanism with the idea of Tyranny, and render possible the domination of a new Cæsar. All liberties are solidary; to destroy a single one, and, above all, one so supremely important as the liberty of conscience, is to shatter them all.

To-day in France, the enemies of Religion are the enemies of the Republic.

FELIX KLEIN.

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THE ART OF THE STAGE-MANAGER.

BY BRANDER MATTHEWS, PROFESSOR OF DRAMATIC LITERATURE IN COLUMBIA UNIVERSITY.

As civilization becomes more and more complex, we can find increasing instances of specialization of function, as the scientists term it. Only a few years ago, engineering succeeded in getting itself recognized as one of the professions; and it has already split up into half-a-dozen branches, at least, and there are now not only civil engineers and mechanical engineers and mining engineers, but also electrical engineers — and even chemical engineers. The invention of the steel-frame building has brought into existence a special class of artisans known as "housesmiths," a word probably unintelligible to our British cousins. Sir Leslie Stephen, in his delightful "Studies of a Biographer," has a scholarly yet playful paper on the "Evolution of the Editor"; and Mr. W. J. Henderson, in his interesting book on the "Orchestra and Orchestral Music," traces the development of the conductor—that musician whose duties are as important as they are novel, and who is not now expected to be able himself to play upon any particular instrument.

"It is impossible to tell when the conductor made his appearance in music," Mr. Henderson asserts. "At the beginning of the seventeenth century, the conductor was at first nothing more than a leader; he was one of the performers whom the rest followed." An inscription in verse on an engraving of a conductor, published in Nuremberg, early in the eighteenth century, declares that "silent myself, I cause the music I control." In the nineteenth century, the conductor had won full recognition as an instrumentalist of a new type, who, without any instrument of his own, played on the whole body of musicians under his command. Of late, he has become so prominent in the eyes of the pub-

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lic, and his personality has been so insisted upon, that there is danger often lest he may distract attention from the music to himself. As Mr. Henderson records calmly: "We have beheld the curious spectacle of people going, to hear not Beethoven or Wagner, but Nikisch or Seidl."

What the conductor is to a performance of orchestral music, the stage-manager is to the performance of a play in the theatre. His art is as special, as necessary, as novel, and as difficult; and, if it is as yet scarcely recognized and rarely appreciated, this is due in part to the conditions under which his work must be done. The conductor is not only visible but conspicuous; the audience is likely to watch him rather than any one of the musicians he is guiding; whereas the stage-manager must ever be invisible, and is, indeed, most successful if his existence is unsuspected. When the conductor brings a concert to a close, he bows to the applause and then lays down his wand; and all is over. The stage-manager has wrought his wonders, and his labors are practically concluded, before the curtain rises on the first act at the first performance. In this respect, he is like the trainer of a college-crew, who cannot go into the boat with them when the pistol is fired for the race to begin. But everybody is now well aware what it is that the trainer has done for the crew; his portrait appears with theirs in the newspapers and he shares their glory.

Only the expert ever thinks of giving due meed of praise to the hidden stage-manager who is responsible for a more arduous victory in the theatre than any ever won on the river. His face is not familiar on the posters; and his name is not in large type on the play-bill. All the credit he gets is contained in the single line which records that the play has been "produced" by him. Yet he has been responsible for the entire performance—for the acting and for the costumes, for the scenery and for the properties, for the lighting and for the incidental music; not so much indeed for any one of these things as for the harmony of the whole. If there has been a perfect co-ordination of all these elements, if there have been no jarring notes, if the spirit of the play has been brought out completely, if everything has gone right from beginning to end, if the whole performance has moved so smoothly as to seem spontaneous, the stage-manager deserves the highest praise for what he has wrought unseen. Yet his sole reward is his own consciousness of work well done, and the chance appreciation

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of the scanty few who may be competent to estimate the worth of his achievement.

The "producer" of the play, the person who assumes the responsibility for the performance in all its details, may be the dramatist himself; M. Sardou and Mr. Pinero have shown surpassing skill in bringing forth all that lies latent in the inert manuscripts of their plays. He may be the actual manager of the theatre; the late Augustin Daly was a stage-manager of striking individuality. He may be the actor of the chief part in the play; Mr. Willard and Mr. Sothern have revealed another aspect of their talent by the artistic manner in which they have staged both new plays and old. He may be at once author and actor and manager, like Mr. Gillette, a past-master of this new and difficult art. Or he may be simply a stage-manager and nothing else, a craftsman of a new calling, not author, not actor, yet able on occasion to give hints to playwright and to player. Here, again, is another resemblance to the conductor, who can impose his own will on the orchestra, although he may not be able to play one of the instruments in it, and although he is quite incapable of composing.

That the task of the stage-manager is more difficult than that of the conductor is due to the fact that the composer has prescribed exactly what share each instrument shall take, the conductor having this full score in his possession; whereas the stage-manager receives from the author only the spoken words of the play, with but summary indications as to the gestures, the movements, the scenery and so forth. He has not a full score, but only a sequence of themes incompletely orchestrated, and with the missing passages to be supplied at his own discretion. And as the richness of the harmony depends largely upon his ability to amplify properly the hints of the author, the stage-manager is, in fact, almost a collaborator of the playwright; he is forced into a more intimate relation with the dramatist than that which the conductor bears towards the composer. To a collaboration of this sort, ordinary playgoers never give a thought, content to take the performance as they see it, and ready often to credit the actor, not only with the inventions of the stage-manager, but even with those of the author also. They accept the play as it is presented to them, just as though it had happened, with no suspicion of the forethought by which the performance has been made possible. Very significant, indeed, was the remark of a commercial travel-

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ler to a comic actor of Daly's company with whom he fell into talk on a train. "I don't see how it is that you are always able to think of such things to say on the stage,—and all on a sudden, too. I just wish I could do it; it would be invaluable to me in my business."

Perhaps this anecdote is evidence in itself of the assertion of George Henry Lewes, in his stimulating essays "On Actors and the Art of Acting," that audiences are inclined to overestimate the genius of an actor and to underestimate his trained skill. We are prone to accept the fallacy of the "inspiration of the moment," and to give little credit to the careful preliminary rehearsing which is at once a humble substitute for inspiration, should this fail to appear, and its solid support, should it happen to present itself. For the thoroughness of this preliminary preparation the stage-manager is responsible; and it is at rehearsal that he seeks to bring about the perfect "team-play" which is absolutely necessary,—the subordination of individual display to the larger advantage of the whole performance. The reason why the so-called "all-star revivals" of old plays are often sadly disappointing, is to be found in the absence of this team-play, in the exaggerated self-assertion of the individual actors, whom the stage-manager has been unable to control. Few members of an "all-star" company can be relied upon for the "sacrifice-hits," which the best team-play may now and then demand. And this is why a wise dramatist, if he were put to the choice, would prefer to have his piece performed by a company of average merit directed by a stage-manager of skill and authority, than by far better actors under lax and inefficient stage-management. One of the varied qualifications needed by stage-managers is the insight to estimate the personality of the actors, so that the play may profit by what each of them can do best, while the exuberance of an aggressive individuality is restrained from interfering with the due proportion of the performance.

While it is the duty of the stage-manager to handle all the elements in his control so as to make the performance as perfect as possible, his most important function is to direct the actors themselves, to see that they read their lines intelligently, with just the emphasis requisite at that given moment in the unfolding of the story of the play, and to advise them as to the gestures and movements which should tell this story almost as plainly as

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the words themselves. Some actors scarcely ever need a hint at rehearsal, reading their speeches naturally the first time and finding for themselves the appropriate by-play,—"business," as technical phrase terms it. Other actors, in no wise inferior in power of personation, need to be guided and stimulated by advice; even if not inventive themselves, they may be swift to take a hint and to wring from it all its effectiveness.

Two of the most prominent actresses of the English-speaking stage in the final quarter of the nineteenth century had little originality, and, when left to themselves, their performances lacked color and variety. But when they had been once told what to do, by a more inventive mind than their own, they would do it with an easy brilliancy, with an apparent spontaneity, which was as deceptive as it was fascinating. They were marvellously gifted instruments, flexible and resonant; and, just as the organist can now control his stops and his keys from a distance by electricity, so the hidden stage-manager evoked unseen the music of their art. Rachel, probably the greatest actress of the last century, was lost without the tuition of Samson, a comic actor himself, but a teacher of force, originality and taste. Mrs. Siddons, again, owed some of her most striking effects to her brother, John Philip Kemble. It was Kemble who devised for her, and for himself, the new reading and the business now traditional in the trial scene of "Henry VIII.," where the *Queen* at bay lashes *Wolsey* with the lines beginning:

"Lord Cardinal, to you I speak—"

Kemble suggested that the *Queen* should pause, after the first three words, as though making up her mind what she should say. While she hesitates, the other cardinal, *Campeius,* thinking himself addressed by a lady, steps forward. The *Queen,* seeing this, waves him aside with an imperious gesture, which sweeps forward to *Wolsey,* at whom she hurls the next words,

"To *you* I speak!"

and then the rest of the fiery speech pours forth like scorching lava.

If the older plays, either tragedies or comedies, seem to us sometimes richer in detail than the more modern pieces, we shall do well to remember that these earlier dramas have profited by the accretions of business and of unexpected readings due to the

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unceasing endeavor of several generations of actors and of stage-managers. The plays of Shakspere that are most frequently performed, the comedies of Molière also, have accumulated a mass of traditions, of one kind or another, some of these being of hoary antiquity. In "Hamlet" for example, in the graveyard scene, it was the habit of the *Second Grave-digger* to take off his coat before beginning his work, and then to proceed to divest himself of an indeterminate number of waistcoats, to the increasing disgust of the *First Grave-digger*. Oddly enough, this same business is traditional in the "*Précieuses Ridicules*," the less important of the two comedians going through exactly the same mirth-provoking disrobing. Probably the business was elaborated for some mediæval farce long before Molière was born, or Shakspere either. Of late, it has been omitted from "Hamlet," but it is still religiously preserved in the performances of the "*Précieuses*" by the Comédie-Française, the company that Molière founded.

Many another tradition is also cherished at the Française, the origin of which is lost in the mists of antiquity. In the "*Malade Imaginaire*," for example, *Thomas Diafoirius* is always provided with an absurdly high child's chair, apparently the property of Louison; and in the "*Avare*," after the miser has blown out a candle twice and finally pocketed it, the custom is for his servant to sneak behind him and to light the candle once again as it sticks out of his coat. Regnier, the cultivated and brilliant comedian (whose pupil M. Coquelin was in his 'prentice-days), published a text of Molière's most powerful play which he called "*Le Tartuffe des Comédiens*" because he had recorded in it all this traditional business. M. Coquelin has told me that he hopes to be able some day to edit other of Molière's masterpieces on this principle. And it is greatly to be wished that some stage-manager of scholarly tastes should provide us with a record of the customary effects to be obtained in the performance of each of Shakspere's plays, as these have been accumulated in the theatre itself. Perhaps this book might be able to tell us why it is that tradition warrants the same rather trivial practical joke in the performance of the "Merchant of Venice," and in the performance of "Romeo and Juliet,"—the business of embarrassing a servant by repeated bows of mock courtesy and protracted farewell.

In preparing for a revival of one of the masterpieces of Shakspere, the accomplished stage-manager of to-day considers all

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these traditions inherited from the past, discarding some of them and selecting those which appear to him worthy of preservation, and which will accommodate themselves to the general scheme of the whole performance as he has conceived it in his mind's eye. He makes such rearrangements as he deems necessary, devising wholly new effects to fit the more modern methods of presentation, which are less purely rhetorical than they were in the eighteenth century, and more pictorial. When Herr Barnay impersonated *Mark Antony* in the Meiningen revival of "Julius Cæsar," the novel stage-management gave freshness to the Forum scene and greatly increased its force. As *Mark Antony* ascended the rostrum, after *Brutus* had asked the mob to listen to him, the crowd was too highly wrought up over the speech they had just heard to pay heed to the next speaker. They gathered in knots praising *Brutus;* and the murmur of their chatter was all the greeting that *Mark Antony* received. Herr Barnay stood for a moment silent and then he began his appeal for their attention: "Friends—Romans—countrymen—!" but scarcely a citizen listened to him.

"Lend me your *ears,*" he begged, "I come to bury Cæsar not to praise him!"

And then the nearest group or two grudgingly turned toward the rostrum; and to these the adroit speaker addressed himself, coaxing, cajoling, flattering,—making frequent pauses, in every one of which the audience could see another band of citizens drawn under the spell of his eloquence. When he had them all attentive, he played on their feelings and aroused their enthusiasm; then, after a swift and piercing glance around to see if they were ripe for it, he brought forth *Caesar's* will, and after that *Brutus* was forgotten, and *Mark Antony* held the mob in the hollow of his hand to sway it at his will. It matters little whether the credit of this most ingenious rearrangement was due to Herr Barnay himself, or to the unseen stage-manager; the spectator could not but recognize that a great play had received new illumination by it, and that a certain richness of texture had been disclosed which had hitherto lain concealed and unsuspected.

Sometimes, it must be confessed, this craving after pictorial novelty overreaches itself. Perhaps the allowable limit was not overstepped when Sir Henry Irving gave *Ophelia* a fan of peacock-feathers, in order that *Hamlet* might play with it and have it in his hand when he has to say, "Ay, a very peacock!"

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But it may be doubted whether the boundary of the justifiable was not crossed, when the same stage-manager had the duel-scene of "Romeo and Juliet" take place in an open square, with its raised fountain not far from the porch of the cathedral, so that *Mercutio* might be able to point right and left when he declared that his wound would serve, although it was not "as deep as a well or as wide as a church-door." Pretty as this is and clever, it seems a little petty. To suggest that *Mercutio* was in need of visible promptings for his fancy, is to diminish the quick-wittedness of Shakspere's wittiest character.

Yet, either of these instances will serve to show the searching thoroughness with which the stage-manager seeks to project the whole performance in all its minor details, having combined in advance the gestures of the several actors, the movements of each in relation to those of the others, the properties they make use of, and the scenery in the midst of which they play their parts. Although the scenery, the properties and the costumes are designed by different artists, it is the duty of the stage-manager to control them all, to see that they are harmonious with each other and that they are subdued to the atmosphere of the "production" as a whole. He subordinates now one and now another, that he may attain the more fitting contrast. Mr. Bronson Howard was one of the authors of "Peter Stuyvesant, Governor of New Amsterdam," and to his skilful direction the "production" of the play was committed. The first act took place in a Dutch garden ablaze with autumn sunshine; and, therefore, all the costumes seen in that act were grays and greens and drabs of a proper Dutch solemnity. The second act presented the New-Year's reception at night in the *Governor's* house, and then the costumes were rich and varied, so that they might stand out against the sombre oak of the spacious hall.

To the first rehearsal of a play, new or old, the stage-manager comes with all the salient details of the future performance visualized in advance. He knows just where every character ought to place himself at every moment of the action. He has decided where every piece of furniture shall stand, and how the actors will avail themselves of its assistance. One accomplished stage-manager of my acquaintance, an actor himself, works out with a set of chessmen the intricate problem of moving his characters naturally about the stage. Another, a playwright this one,

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has a toy theatre in which to manœuvre the personages of the play into exactly the most effective positions. In one of M. Sardou's pieces, the manuscript of which I once had occasion to study, the chairs stand at the beginning of the first act in very different positions from those in which they are required to be at the end of the act; and the manuscript contained full directions indicating just where and exactly how one or another of the characters should seem accidentally to push a chair into the needed position.

Since modern science has revealed the influence of environment on character, and since modern fiction, following the example set by Balzac, has brought out the significance of the background before which a character lives, moves and has its being, the stage-manager has a more difficult duty than ever before. He has to see to it that the scenery and all the fittings of the set are congruous, and that they are characteristic, not merely of the place itself, but of the people also. The late John Clayton showed me the model for the scene of the first act of "Margery's Lovers," remarking with a smile of satisfaction that, when the curtain should go up, and before a word had been uttered, everybody in the house would know that the story was laid in Southern France. When the late James A. Herne brought out a play in which husband and wife took opposite sides on the slavery question, the curiously stiff and old-fashioned furniture used in the first act seemed to strike the key-note of the drama; the spectators could not but feel that those who lived amid such surroundings were precisely the persons who would behave in that way.

The stage-manager is encouraged to try for these pictorial effects, because the stage is now withdrawn behind a picture-frame in which the curtain rises and falls. It is no longer thrust out into the midst of the spectators, as it was in Shakspere's time; nor does it now project beyond the line of the curtain, curving out alongside the stage-boxes, as it did until the third quarter of the nineteenth century. It is now separated from the audience by the straight row of footlights, within the lower border of the frame; and the electric-light which reaches every corner of the stage, has put it into the power of the stage-manager to modify his illumination at will, and to be confident that no gesture will be lost no matter how he may arrange his groups against his background. He can darken the whole stage, slowly or suddenly

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as he sees fit. Much of the intense effect attained by Sir Henry Irving in the trial-scene of the "Bells" was due to the very adroit handling of the single ray of light that illumined the haunted burgomaster, while the persons who peopled his fatal dream were left in the shadow, indistinct and doubtful. Perhaps the most moving moment in Mrs. Fiske's production of Herr Paul Heyse's "Mary of Magdala" was after night had fallen, when the betrayer knocked at the door of Caiaphas, who came forth with a lantern and cast its rays full on the contorted face of the villain, —that face being the sole thing visible on the darkened stage, as the High-Priest hissed forth the single word, "Judas!"

The expert playwright of every period when the drama has flourished abundantly, has always adjusted the structure of his play to conform to the conditions of the theatre of his own time; and the more adroit of the dramatists of to-day have been swift to perceive the necessity for a change of method, since the thrust-out platform has been succeeded by the stage behind the picture-frame. They are relinquishing the rhetorical devices which were proper enough on the platform-stage, and which seem out of place on the picture-stage. They find their profit in accepting as a principle the old saying that "actions speak louder than words." They are abandoning the confidential soliloquy, for example, which was quite in keeping with the position of an actor in close proximity to the spectators,—in the midst of them, in fact,—and which would seem artificial and unnatural now that the actor is behind the mystic line of the curtain. They are giving up the explanatory "aside,"—lines spoken directly to the audience, and supposed to be unheard by the other characters on the stage.

In Mr. Henry Arthur Jones's artfully articulated play, "Mrs. Dane's Defence," a most ingenious specimen of story-telling on the stage, the harassed heroine, left alone at a crucial moment, did not express her emotion in a soliloquy, as she would have done even fifty years ago. She revealed her agitation solely by the sudden change of her expression and by her feverish movements, which not only betrayed her anxiety, but were really more eloquent than any mere words were likely to be. Even more remarkable examples of the skill with which significant action may be substituted for speech, can be found in "Secret Service"; and Mr. Gillette has explained that, in the performance of his own plays, he is "in the habit of resorting largely to the effects of natural

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pauses, intervals of silence,—moments when few words are spoken and much mental struggle is supposed to take place," finding these methods "especially effective at critical junctures." Perhaps no other modern dramatist relies so frankly upon sheer pantomime as Mr. Gillette does; and, certainly, no other has ever made a more skilful use of it. But the tendency can be observed in all our later playwrights, and it will surely increase as the possibilities of the picture-stage come to be better understood.

What the stage-manager is forever striving to attain, in addition to these salient effects, is variety of impression. He seeks to achieve a harmony of tone and to create an intangible atmosphere, in which the spirit of the play shall be revealed. To secure this, he often calls in the aid of music. When Sir Henry Irving produced "Much Ado about Nothing," the note of joyous comedy that echoed and re-echoed throughout the performance, was sustained by sparkling rhythms, old English dance-tunes, most of them, that frolicked gayly through the evening. In Mr. Belasco's production of the "Darling of the Gods," the accompanying music was almost incessant, but so subdued, so artfully modulated, so delicately adjusted to the action, that perhaps a majority of the audience was wholly unconscious of the three Japanese themes which had been insisted upon again and again. To evoke the atmosphere of Japan as soon as possible, Mr. Belasco also had a special curtain designed for the play, which co-operated with the exotic music to bring about a feeling of vague remoteness and of brooding mystery.

But all these effects, audible or visible, may be resented as mere stage-tricks, unless they really belong where they are put, unless they are intimately related to the main theme of the play, and unless they are really helpful in evoking and sustaining the current of sympathy. They are excrescences if they exist for their own sake only; they are still worse if they interfere with this current of sympathy, if they distract attention to themselves. The stage-manager must ever be on his guard against the danger of sacrificing the major to the minor, and of letting some little effect of slight value in itself interfere with the true interest of the play as a whole. At the first performance of Mr. Bronson Howard's "Shenandoah," the opening act of which ends with the firing of the shot on Sumter, there was a wide window at the back of the set, so that the spectators could see the curving

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flight of the bomb and its final explosion above the doomed fort. This scenic marvel had cost time and money to devise; but it was never visible after the first performance, because it drew attention to itself, as a mechanical effect, and so took off the minds of the audience from the Northern lover and the Southern girl, the Southern lover and the Northern girl, whose loves were suddenly sundered by the bursting of that fatal shell.

At the second performance, the spectators did not see the shot, they only heard the dread report; and they were free to let their sympathy go forth to the young couples. Here, once more, as so often in the art of the stage, suggestion was far more potent than any attempt to exhibit the visible object. The truth of this axiom was shown in the third act of the same play, during its earlier performances, when the playwright with the aid of a scant dozen soldiers was able to suggest all the turmoil and all the hazards of a battle only a little removed. At later performances, the author allowed the attempt to be made actually to represent certain phases of a retreat, with horse, foot and artillery on the stage all at once; and although the stage-management was excellent in every way, perhaps the total effect was less than when the far larger possibilities of a great battle had been simply suggested to the spectators, their own imaginations evoking the possibilities of war more completely than any stage-manager could set it before them.

So in the "Tosca" of M. Sardou, the torture of the hero, if we were to see it, might be received with incredulity, but we are far more likely to accept it as real when we perceive it only through the sufferings of the heroine at the sight of it. So again, in the "Darling of the Gods," the destruction of the little band of loyal Samurai, is far more effectively conveyed to us by the faint voices which call and answer once and again in the Red Bamboo Forest, than it would be by any actual presentation of combat and carnage. So, in the "Aiglon," the spectres on the battle-field of Wagram are much more impressive, if they are merely imagined by the poor little prince, and if there is no vain attempt to realize them concretely. So, in "Macbeth," there is a loss of interest if the ghost of *Banquo* struts in upon the banquet. Our modern incredulity doubts the existence of returning spirits, although it is willing enough to accept the reality of *Macbeth's* belief in them; but when the play was originally pro-

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duced, the superstitious groundlings would have felt themselves cheated of an alluring spectacle if the sheeted ghost had not stalked out on the stage to shake his gory locks.

In the spacious days of Elizabeth, the half-roofed theatres were only a little less mediæval than the pageants of the mysteries had been; and the task of the stage-manager must have been very simple indeed. There was no scenery, and the performance took place by daylight, so that all the producer of a new play had to do was to arrange such elementary business as was possible on a platform encumbered with an indefinite number of spectators. Like all stage-managers, then and now, he had of course to direct the actors themselves; and *Hamlet's* speech to the *Players* gives us good reason to believe that Shakspere must have been an excellent trainer, however modest may have been his own native gifts as an actor. Molière, like Shakspere in so many ways, was like him in being author and actor and manager; and in the "Impromptu of Versailles" he has left us a most instructive record of his own methods of rehearsing his own company.

But, although the playhouse in which Molière performed was roofed and lighted, and although he had some scenery, yet there were spectators sitting on his stage as on Shakspere's, and the conditions were those of the platform and not of the picture. Oddly enough, the most pictorial of all the theatres that have preceded our own time is the theatre of the Athenians. Few spectacles can ever have excelled in beauty an outdoor performance in the theatre of Dionysus, when the richly apparelled chorus circled into the orchestra, to the sound of music, in the spring sunshine, with the breeze from the Bay of Salamis blowing back their floating draperies, that could not but fall into lines of unexpected delight and ineffable grace. Stage-management, which was necessarily neglected by the great Elizabethans, owing to the rudeness of their playhouses, was studied as an art by the great Greeks and held by them in high esteem. The dramatic poet was himself the producer, training the three actors, arranging the evolutions of the chorus, and accepting full responsibility for the perfection of the complete work of art. Silent himself, he caused the music he controlled.

BRANDER MATTHEWS.

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ZANARDELLI'S SERVICES TO ITALY.

BY DR. GUIDO BIAGI.

GIUSEPPE ZANARDELLI was the first Italian statesman to hold the office of Premier in the full meaning of the word. His predecessors in the Presidency of the Council were, one and all, merely heads of Departments, and enjoyed the questionable authority with which a *primus inter pares* is invested. The system held good as long as it was political sentiment which guided the steps of the lately united nation, just out of the revolutionary wave; but as soon as the increase of population produced prosperity at home and developed influence abroad, Italy took her place among the monarchies of Europe. The adoption then of the sound principle of division of labor became a necessity, and the Presidency of the Council acquired a new character of special responsibility.

Few contemporary facts are so remarkable as the economical resurrection of Italy after a depression that lasted ten years. Looking back to the financial year 1893-94, which closed with a deficit of fifty-eight million francs, and to that of 1897-98, when the deficit was reduced to one million, it seems almost a dream that, since that period, each year has closed with an annual surplus, of a maximum of forty-one millions in 1900-01, and a minimum of five millions in the preceding year. Now Italy looks forward to an annual excess of fourteen millions.

This happy result was not obtained by increased taxation, but as the natural result of the strenuous work of the people at large. According to the census of 1900, Italy had 32,966,307 inhabitants, and a short time ago, Signor Prinetti, the Minister of Foreign Affairs in the Zanardelli Cabinet, announced proudly to Parliament that at least eight millions of Italians resided abroad. Now the national currency, once so depreciated, is at par; and

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the national income, which was 1,250 million francs in 1871, reached 1,857 millions in 1901.

Imports and exports have been gradually increasing, and reduction of taxation is contemplated by the Government.

It is evident that no single statesman, however exceptionally endowed, could effect such a thorough turn in the tide. Signor Zanardelli exerted in behalf of the economical reconstruction of Italy an amount of influence equal to that wielded by Mr. Gladstone in England in the sixties. But while the Grand Old Man began his political career as the hope of the stern unbending Tories (so much so that his first notable publication was a defence of the principles of the Church establishment of which he was in process of time so keen an adversary), Zanardelli never shifted his position substantially, remaining faithful to his strong belief in the all-healing properties of liberal principles. For this reason, by adherents as well as opponents, he was, more than once, called a doctrinaire and a Girondin.

Zanardelli was born in 1826. Brescia, his native town, has deservedly received from Italian historians the name of "Lioness," for the several stubborn defences that she opposed to successive besiegers. Ethnographers and students of comparative linguistics agree that, during the Longobard invasion of Insubria, the then Brixia district was peopled by an Anglic tribe, which followed their long-bearded kinsfolk from the banks of the Elbe to those of the Po. The Brescia people are to this day a hard-working community, easily moved to noble and daring enterprises. In the *Mille* of Garibaldi, the Bresciani were numerous. Pavia, the great university town of Lombardy, gave a still larger contingent: Bergamo came third. The Zanardelli family belonged to that middle class of North Italy among which the study of law was considered as the gate to riches and local influence. According to custom, Giuseppe Zanardelli was attending the University of Pavia when the revolution of 1848 broke out. Flinging aside the Digest and its comments, he enlisted in one of those volunteer corps which were rather strangely attired in homespun velveteen, in which they were much more picturesque than warlike, and distinguished himself in many encounters with the disciplined Austrian troops. After the defeat of the Sardinian regular army at Custozza and Milan, he repaired to Tuscany. There with Tenca, Colombo and Allievi (all Lombard refugees), he became a

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journalist on the "*Constituente*," one of the few liberal newspapers then existing.

A few months later the Italian fortunes were wrecked utterly at Novara: Rome and Venice were, respectively, restored to the Pope and to Austria.

Tuscany was scarcely a free country. The volunteer of 1848, the journalist of 1849, came back to his native place that Haynau and Nugent had reconquered with much bloodshed from the insurgent citizens. Nugent, an Irish general, officer in the Austrian service, was fatally wounded in storming the place, and bequeathed a sum of money to the valiant town for the building of a hospital, atoning in a way for the cruelties perpetrated by his colleague, Haynau.

Those who took part in the Revolution were considered as black sheep by the Vienna administration. Giuseppe Zanardelli's application for permission to practise the profession of law was in consequence met with a refusal. He then became a private teacher of jurisprudence and a contributor to the "*Crepuscolo*" of Milan, writing essays on moral and political science. The political education of Signor Zanardelli took place during the period between 1849 and 1859; and, though he adopted Mazzini's theory, he abstained from inconclusive revolutionary movements condemned to certain failure. However, the inquisitive police of Austria considered the young teacher a dangerous man; and when he applied for the office of Secretary to the local Chamber of Commerce in Brescia, he was told that he could obtain it on condition of becoming a writer on the imperial and royal "*Gazzetta di Milano*," the organ of the Governor-General: this he refused to do.

His secret connection with the Liberal party in Piedmont afforded him excellent opportunity to render great service to the cause of independence in 1859. As soon as Brescia was evacuated by the Austrian troops and Signor Depretis was appointed governor of it, Zanardelli helped him in the settlement of the new order of things. In 1860, he set forth towards Naples, where he prepared the marvellous entrance of Garibaldi, of whom he became soon a most devoted friend.

From the year 1860 almost to the time of his death, the work of Giuseppe Zanardelli in behalf of the Liberal party continued uninterrupted, giving to the cause so dear to his heart the benefit

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of his brilliant talent as debater, his sound doctrines as a classical scholar, his wide legal experience, his studies as an economist, and above all the exceptional power which he possessed of quickly assimilating the most diverse branches of general knowledge.

It was owing to this uncommon endowment that, after ten years of probation on the Opposition benches, when in 1876 the Conservative party was defeated and the Progressionists rose to office, Signor Zanardelli was chosen Minister of Public Works. In that office, he displayed a wonderful knowledge of the complicated machinery of administration, in the study of which he had lost no opportunity to master its intricacies during his long experience as a Member of Committees in the Opposition interest. He did not remain long in office, however, on account of the difference of opinion between himself and his colleagues on a capital question: viz., whether the railways were to be managed by the Government or by private companies. His ideas on the subject were too deeply rooted to allow him to give way, so he resigned; but in March, 1878, he returned to office as Minister of the Interior under Cairoli, who had succeeded the wily Depretis. In this new department, he had an opportunity to put into practice many of his beloved articles of faith—among others, the theory that "a liberal government should repress rather than prevent offences"; when, to disconcert him, Sassanante, an obscure and almost illiterate cook, attempted the life of King Humbert. The Conservative party took advantage of the event; and, although it could not recover the lead in Italian politics, it still possessed sufficient influence to eject from power the man who was unjustly held responsible for the insane act of a degenerate wretch.

Zanardelli then retired to private life for a period of three years, from 1878 to 1881, during which time he rose to the highest repute in his profession of law. He published then his volume called "*L'Avvocatura,*" which in Italy is considered a masterpiece of eloquence; and he so grew in authority in the estimation of his country that, on Cairoli's downfall from power, which happened in 1881, and which was succeeded by Depretis's return to office, Zanardelli was indicated for the post of Minister of Justice. Twice with Depretis, once with Crispi, then with Rudini, Signor Zanardelli was retained in an office congenial to the studies of his youth, and to which he brought all the weight of his experience as a lawyer. Italy is indebted to Zanardelli's activity during his in-

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cumbency in office as Minister of Justice for the following reforms: the Penal Code, the present electoral law, the establishment of the Supreme Court of Cassation for the final adjudication of all things concerning penal law, and the Code of Commerce.

In the intervals between his falling and rising again to power, Zanardelli was three times President of the Chamber of Deputies, a most important office according to the Italian Constitution. He was actually presiding over Parliament in 1893, when, at the clamorous downfall of Signor Giolitti, King Humbert invited him to form a Cabinet. The Conservative party made such strenuous opposition that both the desire of the ever-lamented sovereign and the loyal efforts of the statesman were baffled. Crispi came into power again; and, with him, a gale of reaction blew over the country followed quickly by the tumults in Sicily and Lunigiana, of which the Socialistic party soon took advantage. After Crispi's death, Zanardelli formed the last link between the Italy which, under Victor Emmanuel II., made her way amid rocks and against wind and tide, and the Italy of modern days. This man of lifelong experience was then indicated as the choice of the new King, who is a keen observer and a studious prince, whose stern sense of duty is a promise of earnestness and of inflexible righteousness. So it happens that, when Signor Saracco tendered his resignation as President of the Council, His Majesty, of his own free will, sent for Zanardelli and commanded him to form a Cabinet. It was with a liberal and patriotic spirit that his administration addressed itself to the high duties entrusted to it, and both Houses of Parliament were forthwith invited to pass the following bills:

1. For the institution of a bureau and committee intended to regulate the mutual relations between masters and workmen, in order to substitute arbitration for friction and strife;

2. For reforming the law on the frequent accidents occurring in the execution of public as well as private work;

3. For consolidating the military budget;

4. For fixing the contribution of the Treasury to the City Council of Rome, in order to finish the new thoroughfares and other works.

King Victor Emmanuel III. could not but see that there was a possible compromise between the Conservative and the Radical programme. More than once, King Humbert's Ministers had,

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under the solemn form of a Royal Message to Parliament, announced a series of bills implying reform in behalf of the masses, but under the pressure of the classes the bills never came to life. Moreover, between the North and the South, since 1860, existed an economical inequality: the former having become industrial, while the other still remained agricultural. Signor Crispi, a Southerner by birth, had unwittingly been the cause of the feeling between the two parts of the country, because the tariff war with France opened by him had ruined the Southern exports of wine, oranges, oil and sulphur. Consequently, all the products of the sunny South were purchased at the lowest price by the more advanced Northern people, and paid back in goods of their own manufacture. In a few words, the North drained from the South all the currency. The removal of those evils was greatly desired by King Victor Emmanuel, and was the constant aim of his Premier, who on the 7th of March, 1901, delivered one of the most remarkable speeches of his long Parliamentary career.

It contains the programme of the new reign, and its items have been each and all brought to executive form. Thus, no new debt has been made, even under the mask of railway construction. The rotten administration of some of our cities has been submitted to a severe inquest, resulting in the removal of the evil-doers. The *octroi* duty on flour and *pasta* has been abolished. As this reform, much desired in a country where bread and soup form the basis of nourishment for the working classes, entailed the loss of 21,000,000 francs for the Treasury, the inheritance tax was modified in such a manner as to assume a progressive character, as in France and in England. Subsequently, he induced the Conservative party to consent to a bill for the insurance of laborers, and to another regulating the work of children of both sexes employed in factories.

The moral points of likeness between Zanardelli and Gladstone have been already referred to. Perhaps in the Italian statesman they are more apparent. Like Gladstone, he had an implicit faith in the power of eloquence; and, endowed, as he was, with an easy, correct and dialectic style, he used it on all occasions, rather preferring to have as hearers his constituency than his Parliamentary colleagues. As a political adversary of Depretis and Crispi, some of his campaigns would form the subject of more than one brilliant chapter in the history of constitutional liberty in Italy. As

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a Cabinet Minister, his faithful Iseo and Brescia electors were often the recipients of his plans for reform, as the Midlothian men were of those of Gladstone. Wishing to study in person the wants of Basilicata and Puglia, not only did he, in his seventy-fifth year, subject himself to the fatigue of a journey in a roadless country, but he stopped at the principal boroughs and there delivered long and well-constructed speeches with the fervor of a young man.

As Gladstone sought in the peaceful forest land of Hawarden a relaxation from his political toil, so Zanardelli used to repair to his villa of Maderno on the Garda, the largest of the deep blue lakes of North Italy, as soon as his numerous duties left him time for rest. There among the books of one of the richest private libraries of his country, and a precious collection of *objets d'art,* he received the warm homage of his fellow countrymen. No other man enjoyed the popularity which Zanardelli enjoyed in his native district, where everyone professed warm admiration for "Pi," such being the contracted form of his Christian name in the hard local dialect.

There he composed his treatise on "*Avvocatura,*" the Penal Code which bears his name, and many of those speeches of his which, delivered in a country where political eloquence is but the gift of a few and where debaters are more forcible than accurate, are remarkable for their literary form.

Zanardelli's artistic taste was a factor in his success as a statesman, because it urged him to promote the purchase of Villa Borghese, which under the name of "Villa Umberto I." is to become the Roman *Bois de Boulogne;* and it moved him to settle the complicated question of the state contribution to the City Council of Rome, in order to provide the capital with all the appliances of a modern city, without spoiling the remnants of its ancient splendor.

So Zanardelli did not deserve the reproach that the young generation justly addresses to the men of the Revolution. Indeed, energetic men of action as the men of the Revolution were, they were void of any sense of art. In the Italy of their time, there was room for hard soldiers, for keen political agents, even for wily and not over-scrupulous intriguers, but none for artists. Never had Italy been so devoid of writers, painters, sculptors, and architects as during the period between 1860 and 1880. Carducci, d'Annunzio, Monteverde, Morelli, came to their countrymen's

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notice at the close of the century, with the dawn of a change in what the French call "*la mentalité nationale.*" Zanardelli, as a man of more refined education than Crispi, Cairoli, Nicotera and Depretis, was in close contact with the racial sentiment, which is essentially artistic.

In conclusion, the last survivor of the band of patriots who go by the common name of "Makers of Italy," Giuseppe Zanardelli followed to the letter the programme contained in the eloquent words that Mazzini addressed to the youth of his times:

"When your soul, my young Brothers, has discovered its proper mission, follow it, and let nothing arrest you; follow it, as far as your strength will permit; follow it, whether received by your contemporaries or misunderstood, whether blessed by love or visited by hatred, whether strong through your association with others or relegated to that sad solitude which almost always exists around the Martyrs of Thought. The way is clear before you: you will be cowards and you will sacrifice your future if, owing to delusions or misfortunes, you do not march in it to the end."

DR. GUIDO BIAGI.

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THE POETRY AND POETS OF AMERICA.—II.

BY CHURTON COLLINS.

In Bryant, as we have seen, America produced her first poet whose work approaches classical merit. But for many years he stood alone, mediocrity surrounding as mediocrity had preceded him. His influence was great on the later works of some of the poets who have already been mentioned, and he had many disciples among the younger men, but they were all mere imitators. Among the poets, if they can be dignified with such a title, intervening between the period marked by the appearance of Bryant's first volume and the appearance of the characteristic work of the great New England group in the latter part of the century, a few may be noticed as, in different ways, typical. Street, the author of "Nature" and of the "Gray Forest Eagle," is interesting; for, though his work has very little poetic quality, his descriptions of Nature are remarkably minute and accurate, and he is certainly the best representative of the Nature school. How faithful and vivid, for example, are pictures—and his poetry abounds in them—like these:

> "The hemlock stands, an ivory pyramid,
> And the link'd branches gleam, like silvery webs,
> Trac'd on the glittering azure of the sky;"

and

> "The last butterfly,
> Like a wing'd violet, floating in the meek,
> Pink-color'd sunshine, sinks his velvet feet
> Within the pillar'd mullein's delicate down,
> And shuts and opens his unruffled fans."

In versatile and voluminous Charles Fenno Hoffman, we have Byron and Moore and Dibdin and L. E. L., variously and vigorously diluted, without a line of any distinction; and Hoffman is

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typical of a then flourishing school. Lunt has vigor and mettle, as his "Lyre and Sword" testify. In Pike's "Hymns to the Gods," we have an excursion into classical themes, suggested, no doubt, by Keats's "Endymion," on which they are plainly modelled, and which they echo as faithfully as his "Lines written on the Rocky Mountains" echo Shelley's "Stanzas written in Dejection at Naples." Southey's intolerable epics found an imitator in Sands, who also paid the same tribute to Campbell's "Gertrude of Wyoming." But it is unnecessary to particularize further; and, perhaps, we may take N. P. Willis as most comprehensively representative of this period. Traveller, journalist, playwright, novelist, essayist, man of the world—a readier and defter pen and more versatile talent were probably never possessed by man. And all these qualities and accomplishments are reflected in his poetry. It has no depth; it has no concentration; it has no distinction; but it is always readable, and it is generally pleasing. His genius resembled those light, friable soils where every seed that falls takes root, shoots up, bursts readily into leaf and flower, and ends in producing a fruit, which is indeed fruit, but which is hardly worth picking. To originality Willis had no pretension. Every note he struck had been struck before with far more vigor in England, and with vigor equal to his own in America. In a word, if we except the poetry descriptive of native scenery, and that was modelled on Bryant, the verse of this period is merely the English poetry of the eighteenth and early nineteenth century, with inferior variations, over again in feeble echo. "I am tired," wrote Judge Story to his son, "of the endless imitations of the forms and figures and topics of British poetry." And what Judge Story complained of in prose, Paulding bewailed in verse. Apostrophizing the muse of his country, he asks:

> "How long in servile imitative rhyme
> Wilt thou thy stifled energies impart,
> And miss the path that leads to every heart?"

But this prodigious multiplication of mediocrities, and this tardy development of true poetry are not difficult to explain. All national poetry of a high order must have its root in life, in the propitious soil of such social and political conditions as are conducive to its inspiration and nutriment. It must have a past rich in tradition behind it; it must have a present throbbing with what

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appeals to imagination, to sentiment, to passion; its energy must be concentrated, that spark may catch from spark, and flame from flame: it must have touchstones and standards, derived primarily from what was best in preceding achievement, mutually applied and mutually exacted by rival competitors for fame: it must have enlightened patronage: it must have response and sympathy from those to whom it appeals. None of these conditions existed in America; it would be more true to say that conditions the very opposite to these obtained everywhere. Where energy was concentrated, it was concentrated almost entirely on commercial and industrial pursuits. The extraordinary facility which the country afforded for the accumulation of wealth, was soon discovered and utilized. With material prosperity, came all that such prosperity carries in its train. The attainment of much, inflamed the passion for more. Each year increased the fever; and America, speaking generally, rapidly assumed the gross features so familiar to us in Emerson's portrait of her. National life there was none. Between the several States, which had each its own characteristics and its own interests, there was almost as little unity as there was between the Italian republics of the Middle Ages. Nor were other conditions more favorable to the development of poetry. As there was everything to depress it in social and political life, so there was no bond of union, no common centre; poets had no stimulus from mutual enthusiasm and mutual emulation. Without enlightened patrons, without public sympathy, without responsibility to any critical tribunal, each poet went his own way. There was nothing to encourage him to excel. He was in a country which had no literary tradition of its own, and where criticism was in its infancy. And this was not all. In everything relating to the humanities, he was an Englishman. He spoke as his native tongue the English language, he was nourished on the English literature. The schism which had severed all other bonds with the Mother Country only drew this intellectual bond the closer. England was, indeed, to America all and much more than ancient Greece was to ancient Rome; and, like Rome, America gloried in her servitude. The genius of Bryant had, as we have seen, succeeded in breaking these shackles, but only so far as extended to the treatment of Nature. Beyond this, the movement had not progressed; at that point it was arrested. And so remained, unexplored and unworked, all those rich

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mines which were to yield so much precious ore to Whittier and to Longfellow, to Lowell and to the other poets of the Revival.

American poetry presents the extraordinary anomaly of having no infancy. Like the portentous child in Hesiod, it was born with gray hairs. Decrepit from its birth, it had in itself no principle of vigorous life. By re-creation only could that life inspire it. The process had been commenced by Bryant, it was now to be completed. America was to have a poetry of her own.

On the 31st of August, 1837, Emerson delivered an Address at Cambridge which sounded a trumpet note. Thus rang the thrilling strain:

"Our day of dependence, our long apprenticeship to the learning of other lands, draws to a close. The millions that around us are rushing into life cannot always be fed on the sere remains of foreign harvests. Events, actions arise that must be sung, that will sing themselves. Who can doubt that Poetry will revive and lead in a new age, as the star in the constellation Harp, which now flames in our zenith, shall one day be the pole-star for a thousand years? . . . We have listened too long to the courtly Muses of Europe. The spirit of the American is suspected to be timid, imitative, tame. Public and private avarice make the air we breathe thick and fat. The mind of this country, taught to aim at low objects eats upon itself. Young men of the fairest promise who begin life upon our shores, inflated by the mountain winds, shined upon by all the stars of God, find the earth below not in union with these. . . . We will walk on our own feet: we will work with our own hands: we will speak our own minds. The study of letters shall no longer be a name for pity, for doubt and for sensual indulgence. A nation of men will, for the first time, exist, because each believes himself inspired by the Divine Soul which also inspires all men."

Noble words; as Holmes justly says, "Nothing like them had been heard in the halls of Harvard since Samuel Adams supported the affirmative of the question, 'Whether it be lawful to resist the Chief Magistrate, if the commonwealth cannot otherwise be preserved.'" It was, he says, the American intellectual Declaration of Independence. The response to this appeal was so immediate and enthusiastic that it must have fallen on sympathies prepared to meet it more than half way. And that, indeed, was the case. A reaction had begun to set in: a stir was already in the air, Channing's similar but less eloquent appeal, delivered fourteen years before, had sunk into many minds. Everett's Orations and writings had struck, and very powerfully, a

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native note in prose, as Bryant and, in a minor degree, Whittier had done in poetry. If we glance at those who were to create the poetry of the next generation, and, where they had been already active, compare what they produced before 1837 with what they produced afterwards, we shall have some idea of what the movement, defining itself in that year, meant. Whittier and Longfellow were in their thirty-first year; the first had produced nothing of any value except "Mogg Megone"; the second, nothing at all but a few trifles contributed to magazines. Holmes, some two years younger, had given to the world a thin volume, which would have been forgotten long ago had it not been for his subsequent fame. Poe, an anomaly in everything, had produced some fine poems, but he was almost unknown. Lowell, in his nineteenth year, as yet guiltless of verse, was an undergraduate at Harvard. Whitman, of the same age, and equally silent, was a wandering schoolmaster. Taylor was a child of thirteen, and Miller and Bret Harte were not born. The history of American poetry, till quite recently, centres round these names. With Emerson is associated the transcendental school; with Whittier, the purely native school. Longfellow, Holmes and Lowell are the centres of what may be called the academic and eclectic group; Poe stands alone; so, happily, does Whitman. Taylor represents the cosmopolitan school: Miller, the poetry of the Pacific slope: Lanier, the poetry of the South, and Bret Harte was the founder and representative of what Mr. Stedman calls the transcontinental school.

In some respects, Emerson is among the greatest of American poets; but it is not by virtue of his poetry, but by virtue of his prose and by virtue of what in his verse is independent of the form of verse. If we take Wordsworth's definition of a poet as exhaustive, namely, that he is "an inspired philosopher"; or if we estimate the quality of poetry by a criterion furnished us by Emerson himself, that it is to be judged by "the frame of *mind* which it induces," then there can be no question about Emerson's eminent place among poets. But these criteria are not sufficient. Poetry must have other qualities, even those indicated by Milton; it must be "simple, sensuous, impassioned." Simple, Emerson never is, except in touches. Where his poetry does not move in a world of symbolism, it moves in a world of riddles; and what it discerns it so encumbers with the laces and jewels of recondite

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fancies and phrases that we dwell rather on the ornaments than on what they adorn. He seems to think and feel in aphorisms. Some of his poems resemble necklaces of crystals, and have all the hard, cold glitter of crystals. They abound in passages of which the following is typical:

> "The kingly bard
> Must smite the chords rudely and hard,
> As with a hammer or with mace;
> That they may render back
> Artful thunder, which conveys
> Secrets of the solar track,
> Sparks of the super-solar blaze."

He seems to have modelled his style on that of the poets of our Metaphysical School, particularly Donne, of whom he has many reminiscences. His predominating characteristics as a poet are, if we may use the expression, intellectualized fancy and transcendental enthusiasm. But he had no attribute of the born singer. His verse, even where the themes are simple and natural, as in the touching "Threnody" and in "May Day," has a constrained awkward movement, and, what is worse, leaves us with the impression that it has only been by the greatest labor that such an effect has been produced. We feel that what Milton said of himself in composing prose, namely, that he had only the use of his left hand, Emerson might have said of himself in composing verse. Occasionally, he can be most felicitous, as in

> "Thou canst not wave thy staff in air,
> Or dip thy paddle in the lake,
> But it carves the bow of beauty there
> And the ripples in rhyme the oar forsake;"

or in

> "Though love repine and reason chafe,
> There came a voice without reply;
> 'Tis man's perdition to be safe
> When for the truth he ought to die;"

or in the justly famous

> "So nigh to grandeur is our dust,
> So near to God is man,
> When Duty whispers low *thou must*,
> The youth replies *I can*."

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But such felicities are so rare that they come upon us, as Matthew Arnold remarks, with a sort of surprise, just as the "Concord Hymn" in point of composition stands almost alone among his poems. He was not a born singer. The moment we place his "Dirge," excellent as the first part of it is, beside Wordsworth's parallel "Extemporary Stanzas on the Death of the Ettrick Shepherd," or the "Fourth of July Ode" and the "Boston Hymn" beside Whittier's lyrics in a similar strain, we see at once the difference between Emerson and those who, in Juvenal's phrase, have "bitten the laurel." His ear, moreover, is so defective that, the moment he leaves the simplest measures, or attempts any variations on them, his verses become intolerably dissonant. Nothing could be more unmusical than his blank verse.

But his poetry is absolutely original; and, if we seek in it what we find in his prose, it is interesting and precious. There is enough thought in it, illumining and inspiringly suggestive thought, to set up a dozen poets. An intense lover of Nature, natural description is a very prominent element in his poetry. And his pictures and touches are always fresh, vivid and accurate, though he has nothing of the clairvoyance and magic of Bryant. Speaking of sea-shells, he says in one of his poems:

> "I fetched my sea-born treasures home,
> But the poor, unsightly, noisome things
> Had left their beauty on the shore,
> With the sun and the sand and the wild uproar."

It was so always with him: as a philosopher he could read Nature, and he was poet enough to delight in her and to describe her, but he was not poet enough to steal her beauty and catch her magic. He wooed, but she jilted him.

Among the most remarkable poems produced by the disciples of Emerson—and he had many, notably Alcott, Cranch, Ellery Channing, and Thoreau—are the sonnets of Jones Very, which, though not of the highest order, deserve to be better known than they are; and Cranch has written one or two striking poems in the same metaphysical strain.

In passing to Whittier, we pass to a poet of a very different order. Of Quaker descent, and of the Quaker persuasion; his early surroundings, those of a New England farmstead, his later, the storm and stress of the abolitionist struggle; with the Bible,

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the "Pilgrim's Progress," the poems of Burns, and the current political journalism of his time as the chief sources of his literary education, he rapidly rose to eminence, some insisted to pre-eminence, among the poets of his country. His long life falls into two eras, the first closing with his sixtieth year in 1865, up to which time, he says, his poetry was something episodical, something apart from the real object and aim of his life; the second with his death, in his eighty-fifth year, in 1892. But in both these eras his genius moved in the same sphere, and was bounded by the same horizons. He improved in technique; his note grew mellower; and, as the cause to which his life had been so nobly devoted was won, he passed out of the fierce turbulence of aggressive polemics into a serener atmosphere. He said himself, when at the height of his fame, "I set a higher value on my name as appended to the Anti-Slavery Declaration of 1833, than on the title-pages of my books"; and the remark gives us the key to his character. His noble enthusiasm as a philanthropist cost him dear as a poet. It left him no leisure, from early manhood till past the prime of life, to do justice to his powers. It forced him to give to journalism and controversy what he might have given to fame, and to consider of secondary importance everything which was not subservient to the moment. The result was that the habits and defects peculiar to those who devote themselves to the production of ephemeral literature became confirmed in him. What was characteristic, and necessarily characteristic of the work which he produced under pressure and when he had no time for meditation and labor, is equally characteristic of the work which he produced when he had ample time for both. Whittier has left abundant proof that Nature had qualified him to take a much higher place among poets than the place he holds; and the reason for his failing to attain it may obviously be traced to what I have described, his monotonous insistence on the themes inspired and suggested by the cause to which he devoted his life, his too easy acquiescence, as an artist, in commonplace standards of aim and attainment, and his want of broad generous culture. His facility of expression and his deft and wonderful skill in spinning poems became a snare to him. Sensitive and restless, he knew no repose. Lowell describes him as having

> "A fervor of mind that knows no separation
> 'Twixt simple excitement and pure inspiration."

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And, unfortunately for his fame, we owe almost as much of his poetry to "simple excitement" as to "pure inspiration." But when under this inspiration, his lyrics have a *verve,* swing and fire which are irresistible, and which fill us with responsive enthusiasm. The cause to which his Anti-Slavery lyrics were dedicated has long been won, and the incidents of the great struggle to which they refer are dim traditions now. But who can read, unmoved, such lyrics as "The Pæan," "Stanzas for the Times," "To Englishmen," "The Song of the Free," "The Farewell," "Massachusetts to Virginia," "The New Year"; or listen, unthrilled, to the crashing joy-bells of "Laus Deo?" There is great power in "The Slave-Ships," and true pathos in "The Farewell," while "Barbara Frietchie" is a little masterpiece. In his narrative poems his great infirmities as an artist are most conspicuous. "Mogg Megone" and "The Bridal of Pennacook," though interesting as anticipating Longfellow in dealing with Indian legends, are crude, diffuse, cumbrous; and "The Tent on the Beach," which is among his maturest works, has no pretension to unity. And heavily drags "The Pennsylvania Pilgrim." But of his ballads and ballad-lyrics the very least that can be said for some of them is, that they are among the best of their kind. "Maud Muller" is justly famous, and "Skipper Ireson's Ride" will always be among the classics of humorous song. But his most pleasing poems are those which fairly entitle him to be called the Burns of New England. His pictures of its rural scenery and life, such as we find in "Miriam," "Hampton Beach," in "The Tent on the Beach," in "Summer by the Lakeside," in "The Old Burying-ground" and above all in "Snow-bound," which is his masterpiece as a poet, are truly delightful, and can never lose their charm.

Mr. Stedman tells us that Horace Greeley pronounced Whittier to be the best of American poets. It would surely be more correct to say that, among the eminent poets of America, he stands lowest. The profound respect which must be felt for him as a man; the noble object to which so much of his poetry was directed; its high moral and religious tone; its wholesomeness, its purity and its other most unquestionable merits must not seduce us into mismeasurement. Whittier's very best work is not work into which any high poetic quality enters. His average work is essentially commonplace, and scarcely rises to mediocrity.

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His studies from Nature, truthful, fresh, and most pleasing as they generally are, are too diffuse, and produce their effect, not as the touch of genius produces it, but by the commonplace process of a faithful accumulation of superficial details. His style, even at its best, has little distinction, abounding in such feeble pleonasms as "The tear on her cheek was not of rain," and such grotesque lapses into prose as:

> "In him brain-currents, near and far,
> Converged, as in a Leyden jar."

His versification is correct and musical, and at times has real charm; but it has few notes, and on these notes it harps too monotonously. He owed nothing to study and books, had no touch of classical culture. In tone, in temper and in sympathies, for good and for detriment, spiritually, morally, and intellectually, he was a New England Quaker on whom Apollo had smiled, not ungenially, but with something of the constraint and reserve likely to be evoked by the homage of so unwonted a votary. But the annals of poetry would be poorer, had such a name as Whittier's not been inscribed on their pages. Noble example is nobler than the noblest poem, and the tradition of a life which was a poem, an inheritance more precious than a poem which is written. And therefore poetry itself, the poetry of the world, has room for Whittier's, for, impressed on what he wrote is the *character* of the man who wrought, his purity, his simplicity, his philanthropy, his uncompromising loyalty to conscience and duty, his cheerful piety, all that speaks in

> "The letter fails, the systems fall,
> And every symbol wanes;
> The Spirit, overbrooding all,
> Eternal love remains;"

—all that speaks in the beautiful verses which he addressed to those who had less confidence than himself in the faith which sustained him:

> "I walk with bare, hush'd feet the ground
> Ye tread with boldness shod:
> I dare not fix with mete and bound
> The love and power of God. . . .

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"And so beside the Silent Sea
I wait the muffled oar:
No harm from Him can come to me
On ocean or on shore.

"I know not where His islands lift
Their fronded palms in air,
I only know I cannot drift
Beyond His love and care.

"O brothers, if my faith is vain,
If hopes like these betray,
Pray for me that my feet may gain
The sure and safer way.

"And Thou, O Lord! by whom are seen
Thy creatures, as they be,
Forgive me if too close I lean
My human heart on Thee!"

Whittier was not the only poet inspired by the great abolitionist struggle and the events preceding and resulting from the great war of 1861. Of the innumerable lyrics, anonymous and appropriated, inspired by them, some became famous. The catch song, "John Brown's Body," has little to recommend it but the sonorous music to which it was set, and Randall's "My Maryland," as well as the anonymous "Blue Flag" have mettle and fire; but higher merit belongs to Julia Ward Howe's "Battle Hymn of the Republic," which has the power and enthusiasm of something more than rhetoric. Brownell's war lyrics have vigor, not distinction; but distinction certainly belongs to Mrs. Lynn Beer's vivid and pathetic lyric, "All Quiet along the Potomac," and to Forceythe Willson's most touching and dramatic picture of the death of "The Old Sergeant."

But to return to the main stream. If Whittier is the most purely native of American poets, Poe is the most purely alien. In no touch has he anything that recalls the temper and genius either of the North or of the South; in no feature can the features of his fellow countrymen be traced. Of morality, or of anything pertaining to morality, he has nothing; of patriotism he has nothing; of any concern or interest in the world around him, nothing. An anomaly absolutely unique, the poetry characteristic of him might have been produced in any country and at any

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time. As he was an American citizen, and the descendant of American citizens, though his mother was an Englishwoman, America has a right to claim him. And, need it be added, America has a right to be proud of him, but for reasons very different from those which make her proud of her other poets. Poe is to her literature what Keats, in an infinitely higher sense and measure, is to ours,—an artist for art's sake, to whom little appealed but the Beautiful, and whose poetry, at its best, is the expression of exclusive homage to it. He was the first American poet to disassociate poetry from nature and life, from the world of men, and to transport it into a world of imagination and fantasy. An artist more consummate never existed; and, although the fascination and witchery of much of his poetry had its origin from mystic sources of genuine inspiration, and cannot be resolved into triumphs, into miracles of conscious art, yet, as we know from himself, he revelled in the display of mere mechanical craftsmanship. This he did in "The Bells" and "The Raven" obviously, and, almost as obviously, in "Ulalume"; and in this consists the insincerity of his poetry, "the two-fifths sheer fudge" of Lowell's well known sarcasm. Of no poet may it be said with more truth that he was the slave of music; hence some of his poems, like "Israfel," and the poem just mentioned, "Ulalume," resolve themselves into mere music; but it is a music which had never before been heard on earth. It is in such poems as "The Haunted Palace," "The Conqueror Worm," "The City in the Sea," "Lenore," "Dreamland," that, in his fantastic vein, he is at his best, because his magical power as an artist and musician is employed legitimately to body forth the genuine conceptions of imagination, weird and in various degrees touched with insanity as that imagination is. But the poems which come most home to us are the love lyrics and threnodies, whether represented by such a classic gem as "Helen thy Beauty" or by "Annabel Lee," with its pathos in quintessence and haunting harmony, or the magic of "Eulalie" and "The Sleeper," or the utterly unanalyzable fascination of the verses "For Annie." The contrast between Poe's lawless and turbid life and the purity and serenity of the world in which he moved as a poet, is not more striking than another contrast presented by his constitution and temper. With the æsthetic sensibility, imagination and enthusiasm of a poet he united a precise,

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cold, logical intellect, in the exercise of which he delighted. His analysis of the *rationale* of "The Raven" is well known and is most significant. Of what may be traced to this characteristic there is too much in his poetry. Its enthusiasm, we often feel, is not wholly pure: its passion has not always the note of sincerity, nor is it always on the wing of inspired imagination that he soars to his weird realms. To this characteristic may be traced, also, his precise and clear-cut style, so lucid, so coldly chaste, so deliberately, so exquisitely finished. His marvellous tact as an artist taught him to blend most harmoniously and effectively the opposite extremes of studied simplicity and studied preciosity.

The poetry of Poe was a new creation. It owed something to Coleridge, something to Shelley, and something to Tennyson, but nothing like it as a whole had appeared before. If "The Raven" and "The Bells" are little better than *tours de force* they are absolutely original: if "Ulalume" and "Israfel" are tuneful nonsense, no such tuneful nonsense had as yet been heard. Every note which he struck he struck for the first time, and every note which he struck has since vibrated in the lyric poetry of America and England. It would be idle to institute any comparison between him and the other lyric poets of the English-speaking race whose immortality he will share, for he stands absolutely alone. Every generation will delight in his poetry, but it will never come home to men like the poetry of his brethren. They will be fascinated with the weird witchery of its music, and with the mystic beauty of its strange, wild fancies. They will wander with mingled emotions through its wonderful Dreamland, now radiant with the light of heaven, now lurid with a light which is the light in delirium's eyes. They will be touched with its pathos, so simple, yet so intense. They will marvel at its miracles of technical triumph. But they will draw no inspiration from it. It has nothing of the influential virtue of vital poetry: it carries no balm for the heart's wounds, no solace for life's cares. It never kindled a generous emotion or a noble thought. To rise from its perusal is like waking from a dream, a dream that haunts, but a dream that finally fades, leaving no traces from memory.

> "Not his the song that in its metre holy
> Chimes with the music of the eternal stars:
> Humbling the tyrant, lifting up the lowly,
> And sending sun through the soul's prison bars."

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And now we come to that eminent and gifted trio in whose work the transatlantic poetry of the last century may be said in many important respects to culminate. It would be difficult for any critic, unless he wishes to be paradoxical, to say anything new about poets so long and so widely discussed as Longfellow, Holmes and Lowell. Each has his place assigned, and, no doubt, rightly assigned, to him, both in his native country and in Great Britain; and it is a proof of the intimacy of the relationship in all that pertains to the humanities between America and ourselves, that the estimate formed of them by their countrymen should differ so little from the estimate formed here. I am not speaking of the academic school of criticism which has ignored them, nor of the modern preciosity school which has affected, and still affects, to despise them, but of the audience and tribunal to which they appeal and by which they would desire to be judged,—general readers of culture and intelligence, and adequately equipped critics with catholic tastes and sympathies. The correctness of the estimate formed of their work is due to the instinctive good sense which has not expected more from them than they had to give, and thus allowed no discontent or querulousness to interfere with generous appreciation of what they did give.

These three poets have very much in common. All professors in the same university, they were essentially scholars and men of manifold accomplishments, profoundly versed in English literature and intimately acquainted with all the chief languages and literatures of Europe, where all had resided, not as casual travellers, but as students. They were thus men of cosmopolitan culture and of cosmopolitan tastes and sympathies. All delighted in society, and were almost as distinguished by their social qualities as by their literary accomplishments. For all, the composition of poetry was mere recreation, subordinate, in the case of Holmes, to the duties of a busy practising physician; in the case of Longfellow, to the duties of a Professor of Belles-lettres; in the case of Lowell, to vocations more various than had ever before, perhaps, fallen to the lot of one man. Their lives were easy and prosperous; two of them were humorists, delighting in such trifles as amuse good-natured *flâneurs*, and the third, if not a humorist, had the tastes of a refined dilettant. Nothing less like bards or prophets could possibly be imagined than these genial, polished and most accomplished men.

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No great poetry ever appeared under such conditions, and from men so constituted and tempered great poetry we cannot hope to find. We find what we might expect, not a poetry rooted in contemporary national life and drawing its inspiration and nutriment from that life: not intensity, not passion, not enthusiasm, nothing of that homogeneousness and originality characteristic of a poetry which has the note of the *Zeitgeist,* and is the unforced and common product of propitious social and political conditions; but a poetry academic, eclectic, occasional, having its models in many literatures, deriving its material and inspiration from what happened accidentally to appeal to the poet as an individual, either in his private or social life, or in his studies. Thus, when it took an objective form, it ransacked the annals legendary and historical, not of America only but of almost every country in the world, without, however, transferring them, after the manner of inspired poetry, into symbols and analogues of the life pulsing round it. When it took a subjective form, it resolved itself into a series of fragments, as various in expression as in matter, sometimes serious, sometimes trifling, seldom original, never profound. It is a poetry which plays on the surface of life, catching its lights and shadows; dealing with its ordinary experiences, and giving most musical utterance to such reflections and sentiments as those experiences are wont to evoke from normally and healthily constituted men and women. But, being essentially composite, it has many tones and many notes, and ranges over a wide field. Now it is academic, and, seeking its themes in subjects dear to the scholar and student, affects classicism and the grand style, and here, as a rule, it is not successful; now, as in Lowell's Commemoration Ode, it kindles with noble moral fervor; now it is the perfection of simple idyll, pure nature with pure nature's note,

> "A certain freshness of the fields,
> A sweetness as of home-made bread,"

and here it has often inexpressible charm. Occasionally, it surprises us, as in the "Biglow Papers" and in other humorous and semi-humorous pieces, not only by its raciness, vividness and power in comedy and satire, but by its inimitable presentation of the idiosyncrasies of national character: a very long life may fairly be predicted for Parson Wilbur, Hosea Biglow and Bird o'

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Fredom Sawin. But its excursions into such realms as these are the exception, not the rule. Its favorite sphere is the sphere which has been indicated, the sphere of Goethe's "Hermann and Dorothea," of Schiller's and Heine's lyrics and legends, of Wordsworth's "ballads" and nature poems, of Tennyson's home idylls and "In Memoriam," of Prior's and Praed's *vers de société.* And this realm it, too, made its own, enriching and permanently enriching the poetry of the English-speaking world.

I have associated Holmes with Longfellow and Lowell. Had he been living, that most modest of men would probably have asked with surprise how any one who presumed to talk critically of poetry could have so mismeasured him. It would have been necessary to explain that he stood there rather for the convenience of tabulation than for any intention of assuming his equality. But even then he would have shaken his head. And, indeed, Holmes's most striking characteristics are those of the *improvisatore,* his extraordinary versatility and his not less extraordinary facility in composition. He has fire and mettle, witness his "Bunker-hill Battle" and his "Old Ironsides" and "Lexington": his fancy can be exquisite, with a touch of magic, as the "Chambered Nautilus" testifies; and equally exquisite and magic-touched his pathos, as in "Under the Violets." He can be impressive to sternness as in "The Two Streams"—how fine that poem is!—and "The Living Temple": he can catch the deep religious fervor of his Puritan forefathers, as in his Hymns. His humor can be delightful, as in "The One-Horse Shay" and in "Parson Turell's Legacy." His tact and grace and his felicity of charming and appropriate expression as a poet of social functions, of anniversaries, and of all such occasions as call for the wreath of the moment, are quite unsurpassed. But we love him best as the poet of the changes and chances of man's life, and as the tender laureate of the memory-consecrated past; as the cheerful optimist, when night is nigh—as the poet of such poems as "The Last Survivor," "The Shadows All Here," and of that poem which for all time deserves to be bound up with its sister poem in prose, Cicero's "*De Senectute,*" I mean "The Iron-gate." We love him, as we love Horace, for his genial humanity, his mellow wisdom, such as find expression, for instance, in such an unforgetable quatrain as this:

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"Man judges all. God knoweth each:
We read the rule, He knows the law;
How oft His laughing children teach
The truths His prophets never saw."

And this is typical of many more.

In passing from Holmes to Lowell, we pass from charm to power. In originality, in virility, in many-sidedness, Lowell is the first of American poets. He not only possessed, in nearly equal measure, many of the qualities most notable in his fellow poets, rivalling Bryant as a painter of Nature, and Holmes in pathos, having a touch too of Emerson's transcendentalism, and rising at times to all Whittier's moral fervor, but he brought to all this much beside. The first part of the "Legend of Brittany" in its sensuous richness reminds us of Leigh Hunt at his best: "The Sirens" and "Irene" recall Tennyson too nearly, perhaps, but they are no discredit to their model. In one vein he produced such a masterpiece of mingled pathos and nature painting as we find in the tenth Biglow letter of the second series: in another, such a lyric gem as "The Fountain": in another, "The First Snow-fall" and "After the Burial": in another, again, the noble Harvard Commemoration Ode. And the author of these poems was the creator of Parson Wilbur, Hosea Biglow, and Bird o' Fredom Sawin, as well as the author of "A Fable for Critics." This is a wide range; but we must distinguish between the degrees of success with which it has been attempted. No work produced before a poet has found his natural level, has found himself, can form any factor in an estimate of his work as a whole, in an estimate of his place among poets. At least two-thirds of Lowell's earlier poems, however pleasing and eloquent, have something of the note of falsetto. Many of them are simply eclectic experiments. The more ambitious poems "Prometheus," "Rhœcus," and "Columbus" are mere academic exercises, and not of a high order even in that rôle. "Sir Launfal," except for the beautiful nature pictures, scarcely rise above the level of an Ingoldsby Legend. The truth is, that Lowell was in constitution and temper a humorist and moralist touched with æsthetic sensibility, with the fancy not with the imagination, with something of the fervor, not with the enthusiasm, of the poet. Much which, as a poet, he should have owed to Nature, he owed to culture and to the sympathetic study of preceding masters, notably Keats and Tenny-

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son. A cultivated taste is a poor substitute for instinct; for the one is as fallible as the other is infallible. Hence, we are never sure of Lowell. He deserts Keats in "A Legend of Brittany" to collapse into melodrama expressed in the language of melodrama, just as the "Indian Summer Reverie," with its exquisite nature pictures, trails off into flat bald prose. Except in his earlier poems and in his pictures from nature, his poetry has little sensuous charm. He had plainly a most defective ear for rhythm and verbal harmony. Except when he confines himself to simple metres, we rarely find five consecutive lines which do not in some way jar on us. His blank verse and the irregular metres which he, unfortunately, so often employs, have little or no music and are often quite intolerable. Of the distressing effect of clogged consonants, sibilants and cacophonies of all kinds, he appears to be as unconscious as Browning. Some of these defects or, at least, their exaggeration are perhaps to be attributed, like his jumbled metaphors and other faults of expression, to carelessness and impatience of the work of correction. No poetry owes so little to the file.

But, after all the deductions which the most exacting criticism can make, it still remains that, as a serious poet, Lowell stands high. As a painter of Nature, he has few superiors, and, in his own country, none. Whatever be their æsthetic and technical deficiencies, he has written many poems of sentiment and pathos which can never fail to come home to all to whom such poetry appeals. His hortatory and didactic poetry, as it expresses itself in the Harvard Commemoration Ode, is worthy, if not of the music and felicity of Milton and Wordsworth, at least of their tone, when that tone is most exalted. As a humorist he is inimitable. His humor is rooted in a finer sense of the becoming and in a profounder insight into the character of his countrymen than that of any other American writer. "The Biglow Papers" will live as long as *Hudibras;* and, as long as Butler's crystallizations of shrewd wisdom and ethic truth, will live and appeal the similar aphorisms with which Lowell's poems are studded.

CHURTON COLLINS.

(To be Continued.)

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THE SON OF ROYAL LANGBRITH.

BY WILLIAM DEAN HOWELLS.

PART II.

IX.

THE dance was coming to an end, and the girls, some of them, followed by as many young men, strayed out between the waltzes into the conservatory, to escape the heat; after trying the air, they said it was no cooler, only damper, and rushed back at the first strain of the music for the last figure of the dance. Hope Hawberk stayed, and Langbrith stayed with her. "Why don't you go back and look after your guests?" she challenged him.

"The guest that needs looking after most is here." He broke a rose from the vine at his hand, and threw it across the little fountain at her, where she stood with her head framed in the pale greenery of a jasmine bush. She lifted herself, haughtily. "May I ask what you mean, Mr. Langbrith?" Suddenly, while he stood, mystified and sobered, by the severity of her tone, she brought one hand from behind her, where she had been keeping both, and dashed a rose in his face. She tried to escape by the path that led up to the dining-room door past the callas in the oval bed about the fountain. He was instantly there to meet her, to catch her by a slim wrist and hold her fast.

"You witch!" he panted. "Oh, Hope, may I go home with you? The way we used to?"

"Before you were such a great person?"

"Why do you say that to me?" he entreated.

"Because—because you are hurting my wrist," she answered with a child's wilful inconsequence.

He released it with all but his thumb and forefinger, and bent over it as if to see what harm he had done, while she stood passive. He kissed the red marks his fingers had left.

"What next, Mr. Langbrith?" she said, with a feint of cold impersonality.

"You know! Will you let me go home with you?"

"You're making me break your mother's lilies!"

"I don't care for the lilies. I care for you, you, you! May I go home with you?"

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Another dash of the fitful April rain, which seemed to have gathered again, smote the glass roof; then it began to fall steadily. "You may lend me an umbrella," she said.

"Well, if I may go along to carry it."

"Oh, if you're afraid of not getting it back!"

"Yes, I can't trust you."

"You're hurting me again. Don't make me cry. Everybody will know it," she pleaded, releasing her wrist and passing her handkerchief over her eyes, with her face turned from the doors.

"Ah, Hope!" he tried to catch her hands, but she whipped them behind her, the handkerchief still in one of them, and ran, while he followed slowly.

The rain stopped again, before the dance was ended. The old people had gone home before, and the dancers now sallied out together into the air that had softened, since nightfall, under a sky where the moon sailed in seas of blue, among islands of white cloud. The girls started chattering, laughing, with meaningless cries, massing themselves at first, and then losing themselves from the group, one by one, and finding their way homeward with the young men who seemed to fall to their share, each as by divine accident.

Langbrith and Hope Hawberk were the foremost to put a space between themselves and the others, and he pressed closer and closer to his side the hand she let lie on his arm. "Will you say it now?" he was insisting.

"No more now than ever. What good would it do, I should like to know?"

"How delicious! All the good in the world!"

"Well, I shall not. Why should you want me to be engaged to you?"

"Oh, if you'll only say you love me, we'll let the engagement go!"

"Thank you! Well, we'll let it go without my saying anything so silly."

"But I may say that I love you?"

"Yes, so long as you don't mean it."

"But I do mean it—I do, heart and soul. Hope, can't you be serious? May I write to you from Cambridge when I get back?"

"How can I help that? I suppose the mail will have to bring your letters!"

"But will you answer them?"

"Perhaps they won't need answering."

"Oh, yes, they will. I shall ask questions."

"Well, I never could answer questions. That's the one thing I can't do."

"Then you don't want me to write to you?"

"What an idea! I thought it was you that were doing the wanting."

"And I may?"

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"Well, you may write *one* letter."

"Oh, how intoxicating you are, Hope!" He tried in his rapture to put his hand on hers, but it had slipped from his arm, and she was flying up the path before him. He followed after a moment of surprise; but, because she was fleet of foot, or because she had that little start of him, or because he felt the chase undignified, he did not overtake her till she had reached her gate. The little story-and-a-half house, overshadowed by two tall spruces, under the shoulder of the hill, was withdrawn only a few yards from the street, to which the gabled porch at the front door brought it a few feet nearer.

She put her hand, panting, on the gate, and he had his on her shoulder, laughing, when, with an instinct of another presence, rather than a knowledge, she turned vividly toward him, and put her hand to her lip. He checked his laughter, and at her formal "Good night," he said reluctantly, "Well, good night," and faltered outside the gate which she shut between them.

"Won't you come in, Jim?" a voice called huskily from the darkness of the little portico, and before he could formulate his "Oh, no, thank you, Mr. Hawberk, it's rather late," the figure of a man advanced from its shadow. Around this figure Hope faded into the shadow it had left.

"It's only nine," Hawberk said. "Come in, and we'll have a bottle of champagne together. I'm just up from Boston, where I've been passing a week, with some of your father's old friends: gay people. I was out at Cambridge, where I met some of the college grandees. They gave me great accounts of you. I was coming round in the morning to see your mother. She'll like to know direct from the university authorities that you are regarded as the most promising man there. I've been looking after an invention of mine, that I've succeeded in getting into good hands in Boston, and that will probably give me more money than I shall know what to do with. Have you ever thought of parting with the mills?"

"I don't believe I have, Mr. Hawberk," Langbrith responded.

"If you ever do," Hawberk said, "let me know. I've had an idea of taking them over, lately, and the income from this invention of mine will enable me to run them as they should be run. Your father and I were pretty close together in their management, at the outset, you know."

"Yes," Langbrith assented, while he retired a few steps from the gate, on which Hawberk was now lounging. In the moonlight, Hawberk's face had a greenish hue, and his eyes shone vitreously.

"There is something fine about these gloomy autumn nights," he suggested. "I sold him the mills, you recollect, and it would be sort of evening things up if you sold them back to me. Yes, your father and I were great friends. He liked to go off with me in my yacht. We made the trip to the Azores, together. I think I was the first to own a steam-yacht in Boston. I lived most of the

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time in Boston, then: looked after the city end of the business. Often had your father down. I was always giving dinners, and he used to enjoy them. You and Hope been at the play? Fine company, I'm told. Pity we don't get them oftener in Saxmills."

"Ah—I think I must say good night, Mr. Hawberk." Langbrith moved a little farther away, backing. "It's rather late—"

"Is it?" Hawberk took out his watch, and held it up to the moonlight. "Why, so it is! Nearly morning. Well, good night." He did not offer to leave the gate, but remained lounging across it, while Langbrith turned and moved down the footpath toward the village.

X.

In the morning, the dissatisfactions which are apt to qualify the satisfactions of the night before, made themselves felt in Langbrith. He had wanted to talk the satisfactions over with Falk, whom he found in bed, on his return from seeing Hope Hawberk home, with the disaster of meeting her father; but Falk was either sleepy from the fatigues of the evening, or cynical from the excess of its pleasures, and would not talk. He met Langbrith's overtures to a confidence with a prayer for rest, with a counsel of forgetting, with an aspiration for help in his extremity against him from the powers which he did not often invoke. Langbrith was obliged to go to bed himself, without the light of Falk's mind on the things which kept him turning from side to side till well toward morning. Then he slept so briefly that he woke to hear Falk still asleep in the next room, and went down alone to his breakfast.

He found his mother in the library ready to join him, and he said, rather crossly, that they would not wait for Falk, who would anyway not want anything but coffee. At first, it seemed as if he would himself not want anything else, but after he had drunk a cup he helped himself to the steak which his mother refused, and then to the rice cakes, which Norah brought in relays, till he said, "I sha'n't want any more, Norah," and then she ceased to bring them, and shut the door into the kitchen definitively after her in going out.

If Mrs. Langbrith expected her son to begin by saying something of the pleasure she had tried to give him the night before, she was destined to disappointment, less, perhaps, from his ingratitude than from his preoccupation. "Mother," he asked, in pouring the syrup over the last relay of cakes that Norah had brought, "do you know whether there was ever anything unpleasant between Dr. Anther and my father?"

She caught her breath in a way that was habitual with her at any sort of abruptness, and had a moment of hesitation in which she might have been deciding what form of evasion she should employ. Then she asked, "Why, James, what made you think so?"

"Something—nothing—that happened, or didn't happen, last night, after you left us smoking in the dining-room." Langbrith frowned, in what was resentment or what was perplexity. "It

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might have been my fancy, altogether. But he seemed to receive a suggestion I made very dryly, very coldly. I had always supposed they were great friends."

Mrs. Langbrith quelled her respiration into long, smooth underbreaths, and said nothing.

Langbrith went on. "I had been thinking of something I meant to mention to you first—putting up a medallion of my father, with some sort of inscription, in the façade of the library, and last night I happened to come out with the notion in the course of some general talk, and Dr. Anther received it so blankly that I couldn't help feeling a little hurt."

"Perhaps," Mrs. Langbrith said, with a drop of her eyes, "he didn't take it in."

"That was what I have been trying to think. People began to come for the dance just after that, and the subject couldn't go any further. But, before Judge Garley and Mr. Enderby, Dr. Anther's blankness had time to be painful. Well!" he broke off from the affair. "He may not have taken it in, as you say."

Mrs. Langbrith rubbed her hand nervously up and down on the smooth, warm handle of the coffee-pot, in the struggle with herself, rather than with her son, which was renewed whenever it came to any sort of question of his father between them. She was long past the superstition of her husband's right, through the mere fact of his death, to her silence, her forbearance. Except for their son, she would have been willing that he should be known to the world as he was known to her and to Anther. But with reference to the dead man's son, it still seemed to her that the truth would be defamation, as much as if his memory were really pure and holy. It always came to some sort of evasion. But this morning, somehow, it did not seem to her as if she could consent to that any longer. It was on her tongue to say, No, his father and Dr. Anther were not friends at last, and give, swiftly and unsparingly, the reasons why they could not be. But when she spoke, she got no further than saying, and it was with tremendous effort that she got so far from her wonted reserve, "If you think there was ever anything unpleasant between them, why don't you ask Dr. Anther himself?"

There was a desperate challenge in her eyes, which she would have been miserably glad to have him see there, if only some counter of his would then push her past the silence which she could never traverse of herself alone. But he was looking down into his cup, and he did not see what was in her eyes. He stirred his coffee, and said: "It was not serious enough for that. Very likely, it wasn't anything at all. He may not have been giving the matter close attention, or he may have had something else on his mind. Doctors often have, I suppose; or he may have been vexed at something in my manner—what Falk calls my patronizing. Possibly, he was thinking from his knowledge of my father that such a thing would

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be distasteful to him. But he might have left it all to me. Well, it doesn't really amount to anything."

She drew a long deep breath, in the desperate relief of postponement, and he looked up affectionately. "It's all a very old story for you, mother, and you can't take much pleasure in knowing how the evening went off. You did manage it wonderfully."

She flushed at his praise. "I tried to carry out your instructions."

"You bettered them. It was a great little triumph. Don't you think people enjoyed it?"

"Yes, I think so. But if you enjoyed it, that is quite enough for me."

"Oh, for you, mother! But I'm unselfish enough for you to wish the rest had a good time. I thought the girls all looked very pretty, and they behaved prettily, too, which doesn't always follow. Country girls—village girls—don't always know the difference between being lively and being rowdy. I'm bound to say that sometimes city girls don't, either. The latest blossoming of buds in Boston—well! Don't you think Hope is very beautiful?"

He seemed quite in good humor, now, and was smiling retrospectively. His mother said, from that remote caution, doubtless, which is in every woman where her son's relations with other women are concerned, "She is a very good girl."

Langbrith laughed out. "Well, I wasn't thinking about the goodness, exactly! But I dare say she is good. What I'm sure of, though, is that she's stunning. Mother!"

"Well, James?"

Langbrith's face, so like her own face, in its contour and features, flushed as hers always did with any strong feeling; but, whatever his feeling was, he did not put it into the words which followed as from a second impulse. He gave himself time to lose his flush, and to knit his brows, which approached very nearly together, before he asked, "How long has her father been an opium fiend? I mean, how long have people known that he eats opium?"

"A good many years, I'm afraid."

"As long back as to my father's time?"

"Yes—quite. Why, what makes you ask?"

"Oh, I saw him last night, when I went home with Hope."

"I thought he was away at the Retreat."

"It seems not. At any rate he was at home, and she didn't seem surprised at his being there. It isn't like alcoholism, is it? It doesn't make him violent? So that he ever hurts them?"

"Oh, no, not at all. Did Hope seem troubled?"

"No. She slipped into the house behind him, when he came out to the gate to talk to me. He was disposed to be rather expansive. Just in what way do you understand that he has been an affliction to them?"

"He has kept them poor."

"Well, that might be remedied. And it isn't the worst thing

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that could happen. A great many people are poor and happy. You don't mean that they're ever in anything like want?"

"Oh, no," Mrs. Langbrith sighed. "He has some of his inventions in the hands of other people, who pay him a percentage on them, and it is secured so that it goes to his family, instead of to him. The worst of him is that they can't put the least dependence on him. They can't trust anything he says. He is very kind to them when he is with them, and he is proud of Hope. But they can't believe a word from him."

"He got off twenty inventions to me, in as many sentences, while we stood talking over the gate. I had a notion of something of the kind you say. Doesn't he ever blunder into the truth? He said my father and he used to be great chums. Was there nothing in that?"

"They were friends at one time, certainly."

"Until he began to give way to all kinds of invention? Then, of course, it had to come to an end. Well, it's interesting to know that he can sometimes make a straight statement. Don't think I don't feel the awfulness of it, mother. I do, and I pity Hope, and I can understand how she can't help thinking that she is put wrong by it with—people. I suppose it's that that makes her a little defiant, a little doubtful of— Have you ever, or has she ever, mentioned the subject?"

"Not to me, James, or to any one that I know of. Everybody knows it. It's an old thing, and nobody talks of it, except newcomers. And there are not many newcomers here."

"No," Langbrith assented with a smile. "Saxmills is static."

His mother may not have known just what he meant, or it may have been from the country habit of making no comment in response to what was not a question. She asked, "Will you have some more coffee, James?"

"No; but have them keep it hot for old Falk."

"I will have some fresh for him."

"There never was such thoughtful hospitality as yours, mother," Langbrith said, rising and going round the table to where she had risen too, and putting his arm fondly across her shoulders. She was almost as tall as he, and their likeness showed as he laid his face against hers and rubbed his cheek on her own. "I believe that when I wake up in the other world, you will be there to offer me something nice to eat. Old Falk is having a tremendously good time, don't you think?"

Mrs. Langbrith said, "Everything has been done for him that could be, by everybody."

"And I'm glad it's happened to Falk, too. A great many of the fellows don't know what a good fellow he is. They don't get hold of him. Falk is proud, and that makes him shy. Last year, I wouldn't have thought of bringing him here, or getting him to come here. His people out in Kentucky are Germans, and they've

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always gone with the Germans. If Falk hadn't come to Harvard, he never would have got into American society. Fellows from out that way, where the Germans are rather thick, say that the third generation gets in, and sometimes the second if the first has got rich. But Falk's father is only a very musical doctor with a German practice, and no social instincts or aspirations. Of course, it's Falk's work in *Caricature* that's brought him forward with the best fellows. He's going to be a great artist, I believe, and I want to have a hand in helping him. It's difficult. He would rather say a nasty thing than a nice thing to you, and that doesn't cement friendship with everybody. But the way is not to mind it. He's all right at heart, if he wasn't so proud."

"I don't think it's very polite," Mrs. Langbrith ventured.

"Well, no," her son owned, "but it's better than being slimy."

XI.

Langbrith and his friend took the Northern Express in the afternoon, which would bring them to Boston just in time for dinner. Mrs. Langbrith gave them such a heavy lunch, that, what with the sleep they had still to make up from the night before, they drowsed half the way to town in the smoking-car which they had to themselves, until the train began to stop at the suburban stations. Before this happened, they woke, and Falk took a sheet of crumpled paper from his pocket, and spread it on the little stationary table between them which the commuters used for playing cards.

"How would that do for the next cartoon?" he asked.

He pushed it toward Langbrith, who smoothed it out again, and examined it carefully. "I don't know what it means," he said at last.

"Neither do I," Falk said. "I want you to joke it, so that I shall."

Langbrith continued to look at the drawing, but apparently with less and less consciousness of it. He returned to it in pushing it away. "I don't know that I feel much like joking, to-day."

Falk crumpled the drawing up in his hand, and threw it on the floor. "There oughtn't to be any to-morrows. There ought to be nothing but yesterdays. Then we could manage."

"What do you mean?" Langbrith demanded.

"You're thinking you went too far."

"How do you know that?"

"I saw you going."

They were silent, and then Langbrith said, with a laugh, "Well, if I went too far, I wasn't met half-way."

"He laughs bitterly," Falk interpreted. "He has got his come-uppings."

Langbrith looked angrily at him. Then his look softened, if that is the word, into something more like sulking than anger, and he said, "Sometimes I think you hate me, Falk."

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"No, you don't. You merely think you deserve it. What have you been doing? You might as well out with it now as later; I don't want you coming in to-night when I've got into my first sleep."

"If I could only hope to make you understand!" Langbrith sighed. "It isn't merely our having known each other since she and I were kids, and always been more or less together. And it isn't the country freedom between fellows and girls. You could appreciate both those things. But you're so confoundedly hard that you wouldn't see why I should feel a peculiar tenderness—a kind of longing to shield her and save her: I don't know!—when I think of her home life, and what it must be. I know what a brave fight she puts up against its seeming any way anomalous, and that makes her all the more pathetic. It makes her all the more fascinating—to a man of my temperament. She knows that, and that is why she is so defiant. I never knew she was so beautiful till this time. Weren't you struck with it yourself, Falk?"

Falk nodded, and smoked on.

"The complication of qualities in her, and the complication of her conditions, are what make it impossible to decide whether one has gone too far or not. Her way of taking it doesn't help you out a bit. She takes everything as if you didn't mean it. Of course, she knows that I'm in love with her. Everything I do tells her so, and so long as it isn't put into words, it seems all right. But when it comes to words, she won't stand it."

"She threw you down? Is that it?"

Langbrith frowned, and then smiled, as if forgiving the slang that might well have offended against the dignity of the fact. He even adopted it. "Not just threw me down, I should say."

"What happened, then?"

"Nothing. But I was in the mood for making her answer something more than she would answer, and I shouldn't have left her without, if it hadn't been for her father coming on the scene. He was an element that I hadn't counted on, and he made the whole thing luridly impossible. He seemed to cast the malign shadow of his own perdition over her."

"Good phrase," Falk murmured.

"Oh, don't mock me, old fellow!" Langbrith implored. "Of course, his being what he is wouldn't make me give her up, though I believe it would make her give *me* up. Poor wretch! You can't think how amusing he was, with the wild romances he got off to me by the dozen in the two or three minutes we talked together. Do you remember that wonderful liar in one of Thackeray's stories, or sketches, who says he has just come from the Russian embassy in London, where he had seen a Russian princess knouted by secret orders of the Czar? It was something like that. That fellow must have been an opium-eater, too. One good thing about it," Langbrith resumed, after a pause not broken by Falk, "my mother

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thinks the world of Hope. She's always having her at the house, when she will come. I think she does it because my father was his friend in his better days, and she feels that he would like to have her do it. She is just so loyal to his memory. If she could imagine any wish for him, now, after twenty years, I believe she would want to carry it out, the same as if he were alive."

Falk still said nothing, and Langbrith broke off to say, "There was something that gravelled me last night, a little. I don't know whether you noticed it."

"What was it?"

"Well, Dr. Anther's snubbing way of meeting what I said of that medallion of my father which I suggested for the public library. It embarrassed me before the judge, and Dr. Enderby; it made me feel like a fool. He had no business to do it. But, perhaps, he was merely not noticing. All the same, I'm going to do it. I think it's a shame that in a place which a man has done so much for as my father did for Saxmills, there shouldn't be any public record of him. I'll do it to show them they ought to have done it themselves, if for nothing else. But I know all this bores you," Langbrith ended, vexed with his evident failure to interest his friend.

Falk yawned, but he said, with more than the usual scanty kindness he showed for the wounds of Langbrith's vanity, "No, no, I'm just stupid from last night. One doesn't have such a good time for nothing."

"It *was* a good time, wasn't it?" Langbrith gratefully exulted.

Falk said, "Fine." He yawned again, and Langbrith lapsed into a smiling muse, in which he was climbing the hill with Hope Hawberk, flattered in the fondness she suffered him to show her, and sweetly contraried by her refusal to say the words which would have sealed the bond between them. Was it, he wondered, with a swelling throat, because she wished to let him feel himself wholly free, in the event of some disgrace or disaster to herself from her father? He would live to prove that he would not be free: that he was hers as she was his, and nothing on earth could part them. That would make right, it would consecrate, all his past love-making. Once he would have thought that no harm, if it had come to nothing. But now, in his knowledge of another world, with a different code, it was not to be thought of but as part of a common future for them which it began. He wanted to put the case concretely before Falk, but he could not. He could not generalize, as he would have liked to do, on that difference of code between city and country, with the risk of Falk's making his abstractions concrete in some such way as only a blow could answer. Falk had his limitations. After all, he was only half an American, and he could only half understand an American's feelings. He retreated from the temptation, and lost himself in a warm revery of the future, which he forecast in defiance of every obstacle.

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He thought what friends Hope and his mother had always been, and he knew that there could be nothing but glad response in his mother's heart to the feeling that was in his for Hope. Then he began to think of his mother apart from Hope, and of what she might have been like when she was a girl. She was not much older than Hope when she was married. She had been many more years a widow than a maid; and, in the light of his own love for Hope, he wondered if his mother had ever thought of marrying again. His father had been twice her age when he married her. Langbrith knew this in the casual way in which children know something of their parents' history, and his father must have been an uncommon man to have won her with that difference of years between them, and to have kept her constant to his memory so many years after his death. After all, how little she had ever said of him! Langbrith romanced her as not being able, from deep feeling, from a grief ever new, to speak of him, and he ached at heart to think how his father's personality seemed buried in his grave with his body. A tender, chivalrous longing to champion his forgotten father, to rehabilitate this vanished personality, replaced his heartache, and again he was indignant with Dr. Anther for his indifference, his coldness. He said to himself that he must have an explanation from Dr. Anther; he would write to him, and ask just what he meant. Perhaps, he meant nothing. But he must be sure. Then he would see that young sculptor, that Italian, and tell him what he wanted; talk it over with him; find if he had any notions of his own.

The train slowed into the North station about five o'clock, just when he knew that his mother would be talking with old Norah about the supper, to which, in his absence, she would revert from the late dinner. She would be bidding Norah tell the cook that she did not want anything but a cup of tea and a little milk-toast. Poor old mother! What a savorless, limp life she lived there alone! Yet it could not be otherwise, when he was away. How much she depended upon him. Somehow, he must manage for her to live with Hope and him. She must go out to Paris with them, where they should go after their marriage, and when they came back to Saxmills, where they would always have their summer home, she must be put back mistress in the old house.

XII.

The neighbor over the way who saw Anther drop the hitching-weight of his buggy in front of the Langbrith house, late in the afternoon of the lengthening April day, decided that Mrs. Langbrith had been overdoing. She watched for him to come out, until she could stay no longer at the window without making her own tea late, but she did not see him come out at all.

In fact, it was the doctor who appeared to have been overdoing. He looked so tired to Mrs. Langbrith, that she asked him if he would

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not have a cup of tea. Upon second thought, she asked him if he would not have it with her. Supper would be ready very soon; and, without waiting for a refusal, she went into the kitchen to hurry it, and to have the cook add something to the milk-toast for the man-appetite, to which her hospitality was ministering with more impulsiveness and spontaneity than the wont of village hospitality is.

When they sat down together at the table, he did not eat much and he talked little; but he seemed to feel gratefully the comfort of the place and presence. She came into authority with him, as a woman does when the man dear to her is depressed. Her affection for him came out in little suggestions and insistencies about the food. Like most physicians, he kept his precepts for himself and his practices for his patients. He now ate rather recklessly, and he preferred the unwholesome things. At first, she had to press him, and then she had to check him. At last, she had to say to Norah, who came in with successive plates of the hot cakes which he devoured, "That will do, Norah," and, when he had swept the final batch upon his plate and soaked them in butter and syrup, and then cut their layers into deep vertical sections, and gorged these with a kind of absent gluttony, while she looked on in patient amaze, she rose and led the way from the table into the parlor.

It lay beyond the library and had windows to the north and east. The library was lighted from the east alone, like the dining-room in the wing. The main house was square, and divided by an ample hall from front to back. Beyond the hall, the two drawing-rooms opening from it balanced the parlor and library. There was a fire of logs burning on the parlor hearth, and its glow alone lighted the place when the two came into it. He went first to the window and looked at his horse. When he came away, she pulled down the curtains, and shut out what was left of the pale day and the disappointment of the neighbor who had been waiting for the reappearance of the persons of a drama not played for her.

Mrs. Langbrith took the chair at the corner, and invited Anther to the deeper one in front of the fire by her action.

"I oughtn't to stay," he said, looking at his watch. But he sat down. Neither of them made haste to take up any talk for the entertainment of the other. What they were to say was to come because they were both thinking the same things, from interests that were no longer separable. Yet he began with as great apparent remoteness as possible from their common interests. "Hawberk is at home again," he said, as if that followed from his saying he ought not to stay.

"James told me," she responded. "He saw him last night."

"And he has begun again."

"Yes, I knew that from the way that James said he talked. It doesn't seem much use his ever going."

"It prolongs his life, if that's any use. If he hadn't pulled up

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completely, from time to time, he would have been dead ten years ago. It is a curious case. Mostly they keep on and on, till they kill themselves, but Hawberk seems disposed to see how much relief can be got out of it with the least danger. At the rate he is going, he can live as long as anybody. Of course, the moral effect always follows the indulgence of a morbid appetite. What did he say to James?"

"He just told him some of his wild stories. He boasted of being Mr. Langbrith's greatest friend."

"So he was, in a kind of way. An involuntary friend," Anther said, with a smile. She smiled too, strangely enough, but as people can smile, in dealing with an old wrong when it offers an ironical aspect to them. But she said, "Sometimes I wish it could be known what a deadly enemy Mr. Langbrith had been to him. Why shouldn't I tell it? I ought to feel guilty for not telling it. He robbed him, as much as if he had taken his money out of his pocket."

"No doubt about that; and once it might have been best to own the fact publicly. But sometimes it seems to me that time is past. A wrong like that seems to gather a force that enslaves those who have done nothing worse than leave it unacknowledged through a good motive. You haven't been silent for your own sake."

"I am not sure it hasn't been for my own sake."

"I am."

"I wonder," she said, "that Mr. Hawberk hasn't told it himself."

"Well, possibly, he thinks that it wouldn't be credited, that it would be regarded as one of his wild inventions; that is, he thinks that when he is in his soberer moments. When he is under the influence of the drug, he likes to make pleasing romances, and has no desire to mix a tragical ingredient in them."

"Then Mr. Langbrith has ruined a soul!"

"Yes," Anther admitted, "he has done something like that. And the most terrible thing is, that he holds the man in bondage now much more securely than he could have held him living. If they were both still alive, there would be some means of righting the wrong that has been done. Some pressure could be brought upon him to make him do Hawberk justice."

"No, no, he would know how to get out of that." She rose and closed the door opening into the library. She had meant to do it quietly, and without self-betrayal; but, in the nervous stress that was on her, she brought it to with a clash, and then she felt obliged to explain: "It always seems as if it were listening," and Anther knew that she meant the portrait over the library mantel.

"At any rate," the doctor resumed, "he makes it hard for you to do him justice now. You do the best you can, and perhaps it is the best that any one could do. I suppose that a moralist, like Enderby, for instance, would say that the secrecy which Hawberk's

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misfortune promotes is the worst part of it. You pay Hawberk an income from a stolen invention, and he goes about bragging of the inventions which he has in the hands of Boston capitalists. Perhaps, it is not even possible for him to tell the truth, in the perversion of his nature through his habit."

"What was he like before he took to it, Dr. Anther?" she asked, from the security she felt in shutting out the portrait. "I know that he took it up in the misery he felt at being trapped and robbed, and it was his only escape."

"Do you mean, whether he was inclined some such way?"

"I have sometimes wished that he were."

"He may have been," the doctor mused. "I knew him very little before I came here. But there is a sort of crime, isn't there, in pushing a man in the direction of a natural propensity? You don't want to palliate what was done?"

"Mr. Langbrith was capable of any crime," she answered. "Sometimes I have to shield his memory. But I don't wish to do it when I needn't. That is the comfort, the rest, of talking with you. I can't tell you what a kind of awful happiness it is to say out to you the things I cannot say to any one else. You will think I am crazy, but the next greatest happiness I have is in hoping that his fancy is taken with her, and that somehow it can be made up to them in that way. And yet there is a ghastliness in that, too, that is awful."

He knew that now she was talking of her son and of Hawberk's daughter. When she added, "She ought to know, at least," he said:

"Oh, everybody ought to know. But it is no more possible for her to be told than for any one else. I should be glad if he could get so good a girl. She is a beautiful creature, too, as well as good. Well!"

He rose from his chair, but from hers she entreated almost unawares, "Oh, don't go! Or, I oughtn't to say it!"

"No, Amelia, you oughtn't. If you said something else, I need never go." He looked at her sadly, and her head drooped. "You let me see an image of home, like this, and then you take it from me. Well! I must submit. Good night." He put out his hand to her, but she would not take it.

She lifted her eyes to his, "You haven't asked me if I tried to speak to James. I didn't!"

"I knew that."

"Perhaps I should—perhaps I should have tried, this morning, when we were alone, if— But perhaps I couldn't."

"If what?"

"If he hadn't fancied that you did something last night that showed dislike of Mr. Langbrith."

"What was it I did?"

"Something in the way you received his suggestion of the memorial tablet."

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"Oh, he noticed that? Well, I couldn't help it."

"I know you couldn't. Do you think I blame you?"

"I believe we don't blame each other, Amelia."

"And you don't feel hard towards me for not trying?"

"I didn't expect you to try."

"But why shouldn't we go on like this—the way we have gone on for twenty years? Why shouldn't you be just my friend as long as you live? We are not young, and we couldn't expect what young people expect of marriage."

"I expect a great deal more," he said. "You are solitary, and so am I. I have never had a home, and you could give me one. I have never had companionship at the time when a man wants it most, and you could be my companion. I want some one to talk to and to be silent to, when I feel the need of either. You could be my daughter, my mother, my sister. Why do you make me say these things to you?"

"Well, then, why not come and let me be it here? Why not come and make this your home? I know James wouldn't object. I believe he would like to have you live with us. He has always been used to you—" Anther shook his head.

"Yes, yes," she persisted. "We could give you all the room you wanted in the house here, and you could have Mr. Langbrith's office for your office, out there by the gate. I have thought how it could be done—"

"It couldn't be done, Amelia. The talk it would make in a place like Saxmills!"

"There wouldn't be any talk. You have been here so long, and you are so respected. You have always been our doctor, and you have been in and out here day and night. You are like one of the family. You could come now, when Mrs. Burwell is going to give up her house, and you will have to go somewhere else, anyhow. It hasn't made talk your living there with her all these years, and why should your living here do it? Sit down now, and let me tell you—"

She had put her hand, unconsciously, on his arm and was nervously pinching the sleeve. He took her hand away and held it in his own. "I never think of Mrs. Burwell, nor she of me; but we two would always be thinking of each other. It wouldn't do, my dear, and you know it."

She broke out piteously, "I am so afraid of James!"

"Yes, I understand that, and I should be afraid of him, too, if I came here to live with you, unless I came as your husband. In that case, I shouldn't be afraid of him."

"Ah, you hate him! I can see it by the way you say that. What shall I do?"

"Nothing, Amelia, except be reasonable. I don't hate your son; how could I? Of course, your fear of him stands in our way, but I am not at all sure that *he* does. He might have done so, a few years ago, but there is less probability that he would, now."

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"How do you mean?"

"He is more rational. He is of a nature that matures late; he is like you, in that, Amelia. That friend of his, that young man told me how slowly James has won upon the liking and understanding of his college mates. They did not like him at first, but now, in his last year, they are beginning to value him, to make allowances for what repelled them, to see how he has changed, and to have an affection for him." In his gloss of Falk's laconic terms, Anther did not feel that he was misinterpreting his statement of Langbrith's Harvard standing; his mother eagerly accepted the version, and imagined it insufficient. "I say this," the doctor went on, "merely to illustrate my meaning. He is now at the age when the mind acts with an insight unknown to it before, and besides—" Anther broke off, and then asked, after a moment, "What reason have you for thinking that he is seriously taken with Hope? How is it different with them from what it has always been?"

"I don't know. Perhaps it is his being away, and then coming back, and finding her changed into a new person. Girls change so suddenly at her age. If he had stayed at home, they might have gone on being boy and girl together always. But as it is— Perhaps it is partly the way I have seen him look at her—with a kind of surprise. And, this morning, he spoke of her with so much— Oh, if it only could be, what a load it would take off my heart!"

"It would take the main obstacle out of our path, too," Anther responded. "He would judge you somewhat more from himself."

Mrs. Langbrith colored faintly, with a kind of shame, which he saw and resented.

"You think it isn't the same thing!"

"No," she owned. "How could I? It is as right for us, though it is different, as it is for them. But—"

She stopped, and even after he had said "Well?" she did not go on immediately.

Then she shook her head, and added, "It wouldn't get over the great obstacle. There would still be—Mr. Langbrith."

"Then," said Anther, harshly, "we must remove that obstacle, that incubus, ourselves. That man's memory mustn't be allowed to be a lifelong nightmare to you. You suffered enough from him when he was alive. We must tell James about him."

"I couldn't."

"Then you must let me."

She slowly turned her head away. "It's too late," she sighed.

"No. Now is just the time. Before this, it would have been too soon. While he was a child, you could not have told him; I understand that; and you had to let him grow up in the superstition of such a father as he imagines. But now he is old enough and strong enough to have his fetish taken from him. You owe it to him to take it. Put me out of the question entirely. I will never speak to you again of what I wish—"

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"Oh, do you think that would be any help?" she lamented.

"At any rate, it is the boy's right to know the truth now."

"I always," she tried to evade him, "hoped that some accident—"

"But it never did. And it never will. That isn't the way of accident. It doesn't manage beneficent surprises."

"It is too late. I can't let you tell him the truth, and I can't myself. It must be covered up, more and more! It must be hidden forever. But there is something—something you might do, and you could do it."

"For you?"

"For him—for me."

"Of course, I will do it."

"I don't know. You could help him—help me. What harm would there be in your humoring the child?"

"How, humoring him?"

"Why shouldn't you encourage him—why should you oppose him in putting up that tablet? Or not that! Why should you be so cold with him about it?"

Anther walked out into the hall, and got his hat and coat from the rack there, before he spoke. "Amelia!" he cried with a sternness that he let die out of his voice before he added, "Oh, poor woman! That scoundrel has had power to corrupt even you, even now."

He opened the outer door, and, while she stood on the threshold of the parlor, with entreating hands stretched towards him, he closed the door behind him without looking back at her.

XIII.

Mrs. Burwell came to call Dr. Anther to breakfast as soon as she heard him in his office. He had been up late overnight, and, with the fretful patience which had not failed her in twenty years of obedience, she had obeyed his instructions not to call him in such a case at the established hour of seven. His breakfast was always ready at seven, and it would have been some consolation to give him his breakfast cold, if he ever noticed whether it was cold or hot, but he did not, and she failed of this comfort. Among the reasons which had decided her at last to give up housekeeping and go to live with her married daughter in Nashua, the irregularity of Dr. Anther at breakfast would have been found first by any one who cared to study them, but it was one which she urged last upon the inquirer's attention. She said that it had been clearly agreed upon at the beginning, and that she was not one to take back her word.

He sat before his desk opening his letters, with his revolving bookcase by his side, and, in the long case between the two windows behind him, the pendulent skeleton which he had bought with his practice, from his predecessor. When the case was closed, it looked like a grandfather's clock in shape, and when it was open it still suggested the intimate relation of time and death. There

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was a table in the room, and over this were scattered medical periodicals, and other publications more suited to the taste and intelligence of patients waiting for his return when he was out. There were some hard chairs which did not invite their fancy from the stern realities of life by luxurious appeals to the senses.

"Lorenzo Hawberk's b'en here," Mrs. Burwell complained to the back of the doctor's bowed head. "He said he would call in again. I don't know but what you'll find your coffee pretty cold," she lamented farther.

"I'll be there in a minute," Anther said, still without lifting his head, and, when he had quite finished with his morning's mail, he followed her vanishing into the hall without, and thence into the dining-room.

If he had been the sort of man to realize the order of facts to which any article of food belonged by its condition, he would have found not only his coffee cold, but his biscuit and his steak cold too. But he was only vaguely aware of something wrong, as a child is, when it is in discomfort, and his sense extended itself still more vaguely to an impression of the room, and of Mrs. Burwell herself. They were both severely neat, and they were both of the same material and spiritual spareness. Beginning with the hard little knot which Mrs. Burwell's silver sanded hair was tightly drawn up into, away from her face, a more than classic temperance of ornament was characteristic of both. In her and in the room, everything was designed and disposed with a view to not catching dust. The clock on the mantel, supported by two Japanese fans, and the four prints on the four walls, representing severally the Lincoln Family at Breakfast, the Battle of Gettysburg, the long-extinct husband of Mrs. Burwell, and the United States Senate listening to the speech of Mr. Webster of Massachusetts in reply to Mr. Hayne of South Carolina, united with the sideboard, on which there was nothing that could not be shut away in its drawers the moment the breakfast things were washed up, in preserving a condition which not only would not catch dust, but in which there was no dust to catch.

"Did he leave any word?" Dr. Anther answered, not troubling himself to name Hawberk in his question.

"No, he just said he would be back; there was nothing particular the matter. I suppose he's begun again."

Hawberk's habit was so notorious in Saxmills that Mrs. Burwell felt it no violation of that other convention between herself and her tenant, dating from the beginning, like the agreement in regard to breakfast, that she was not to offer any sort of comment upon his patients, their characters, their ailments or affairs. All the same, he snubbed her by his tacit refusal to enter into the case of Hawberk with her.

"Have you heard from your daughter again, Mrs. Burwell?" he asked.

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"No, I hain't," she said with an effect of being resolved to have no concealments. "But, as far forth as that goes, I don't know as I expected to."

"Then you are still decided to go to her?"

"Well, yes, I suppose I am," she said as little decidedly in words as a woman well could.

"Supposing won't do," Anther pursued. "I must know whether you really intend to go or not, for I must find some other quarters if you do, and I want time."

"Well, then, I *am*. I suppose I said 'suppose' because I didn't want to seem to be hurrying you up any."

"You'll hurry me up if you don't give me due notice."

Mrs. Burwell's hard mouth and hard eyes joined in the adamantine response which she made. "I'm goin' to leave this house the first day of July, no sooner and no later, as far as I can humanly fix it."

"Oh, well, then," Anther said, "that gives me plenty of time to look about. I thought you were going in June."

"Well," she admitted reluctantly, and without that bravado of frankness which she had shown before, "I did some think of goin' in June, and I did think I might as well stay the summer out here. It's full more comfortable than what it is in Nashua, with the heat, and it's easier to begin in a new place where you've got to be shut up a good deal, anyway, by beginnin' in the fall of the year."

"Yes, that is so," the doctor granted, and Mrs. Burwell chose to read a sympathy into his words which they did not express.

"I presume that I shall feel the change, and I presume you will, some."

"Yes, I *shall hate the moving*."

"That's what I mean. And I wonder you want to move. Why don't you take the house yourself? It 'll be to rent when I give it up. You could keep your old rooms here, and get somebody in to do for you—I don't know but what Orlando himself could. He's real handy about a house, and he knows your ways—till you could get somebody to take the rest of the house. You could meal out; you're so irregular, anyway. I declare I feel bad about breakin' you up here, and I don't like to have anybody comin' in that I don't know."

"Thank you, Mrs. Burwell," Anther said to the part of her speech that demanded thanks from him.

"I don't, one bit," she continued with the other part. "And still I don't want to have it, as you may say, layin' empty."

"No, it would be a certain expense, and you would get no return from it."

"Yes, and a house wears out faster when it's empty. I'd be willing to let it to anybody that would take good care of it for two hundred and fifty a year."

"That would be reasonable."

"Why, it wouldn't hardly more than pay the repairs and taxes,"

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Mrs. Burwell urged. "I shouldn't expect to make anything on it, though goodness knows I need to, with everything as dear as they say it is to Nashua. I expect to pay good board to my daughter, though I presume I shall do enough about the house to make up without payin' anything."

"Well, I'll see about it."

"So do." Mrs. Burwell did not rise, but stretched her long arm across the table for the doctor's plate; she cleaned it into her own, and began to put the table in order for his uncertain dinner before he left the room. He went out of the side door upon a back porch, where Mrs. Burwell considered it neater to do certain parts of her housework than indoors, and more convenient for the disposal of pea-pods, squash seeds, and all kinds of cores and peelings, as well as those bits of refuse from fowls and butcher's meat, which she could throw to the hens, netted into their yard beside the stable, without having contaminated her kitchen with them. She preferred to work there not only in summer, but as far into the winter as she could bear the cold, and wrapt up as to her head and shoulders she defied the elements till after Thanksgiving and well towards Christmas. Her back yard, between this porch and the stable, was as clean as the front yard, which dropped from the terrace where the house stood, and sloped three yards and no more to the white paling fence in the gloom of four funereal firs, cropped upwards, as their boughs died of their own denseness, till their trunks showed as high as the chamber windows. The house was painted of a whiteness which age had never been suffered to soften, but was as coldly fresh as the green of the shutters; it had been there thirty years, but it stood as prim and new to the eye in every detail as if it had been finished the week before. Mrs. Burwell herself never appeared in the front yard except to pick up the fir twigs dropped in the spindling grass that bearded the terrace; in the immediate shadow of the trees no grass grew, and the ground was matted with the dark-brown decay of their spray and spills, and looked as if it were burnt over.

Dr. Anther, noted that his buggy must have been driven to the front gate, since there were no signs of it at the stable door, and he walked round the house, and looked up at its frigid façade with a novel interest. It had been long since he had looked at it, though he had daily gone in and out, and had slept in the northeast chamber, ever since he had been Mrs. Burwell's lodger. A certain shallowness of the structure now appeared to him, and he realized that the front was but one room deep on each side of the door, and that it shrank behind into the ell which imperfectly supported its pretensions of squareness, by stretching into an indefinite extent of kitchen and woodshed beyond the dining-room. He perceived that he had the two best rooms, but that the parlor, and the chamber above it, which was kept as a guest-room, though he could not remember when there had been a guest in it, were as large, if not as

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pleasant, as his own. From the fact of back stairs, he had always inferred a chamber over the dining-room, and he had conjectured something of the sort in the sloping roof of the kitchen. There were then eight rooms in all, and it did not seem to Anther, though he gave the matter no very distinct thought, that there were too many for the money that Mrs. Burwell proposed getting for it in a place like Saxmills. He dropped his cursory glance from the façade to the front door, and noted with the sort of novel interest that the whole had inspired, the name of Justin Anther, M.D., on its small, glass-framed plate, and then he went indoors.

There was some one waiting for him in his office, and he said "Ah, Hawberk!" in greeting of the presence which he had inferred from the legs he had first seen, as they stretched across the perspective of the doorway.

The man got to his feet with a certain alertness, which was more like a reminiscence of past activity than an actual fact, and offered the doctor a wasted hand. He looked shrunken within his clothes, and his greenish-brown complexion, blotched with patches of deeper brown, where the skin showed above the lustreless beard, was lighted with eyes which were still beautiful, though their black was dimmed by the suffering through which they had sunk into their cavernous sockets.

"Good morning, Doctor," Hawberk said, and he added courteously, "I hope to see you well?"

"I'm fairly well," Anther said, facing round in his swivel-chair, which he had taken at once. "Sit down, won't you? When did you get back?"

"Oh, I've been back some time—about a fortnight, I should say. But I've been pretty busy, with a little thing of mine that I'm working at, and I haven't been about the town much."

"I hope my old friend Fredericks was able to do for you what you wanted?"

"Oh, yes, oh, yes," Hawberk answered, nervously, but with a vagueness that did not seem to belong with the quickness. "He set me up. I'm all right now."

"Gone back to it since your return?"

"Well, no. I can't say that, exactly. Still I don't think it's well to make an entire break. I think the tonic effect is good, don't you?"

"Perhaps. If you don't make it too tonic. How much have you got back to?"

"Well, it ain't worth mentioning. Two or three spoonfuls after meals, and as many more at night."

"Dreams all they ought to be?"

"Oh, yes, they're all right, now. I'm out of that pit that used to give me so much trouble. I don't have to keep digging at it the whole night now, as I used to before I went to the Retreat. Dr. Fredericks pulled me out of that fairly well. There is a small

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matter of old bones and a skull or two," Hawberk added with a jocosity that did not make Anther smile. "But the great thing is that I understand it's a dream even while I'm dreaming it, and I guess I shall be able to break it up if I keep realizing it. And it doesn't seem to last so long. I think that's a decided gain, don't you?"

"It's not a loss," the doctor admitted.

"It's a fighting chance, and I'm taking all the fighting chances there are. I've fairly got the upper hand. If you were to tell me to leave the whole thing off, I could do it, and not turn a hair."

Anther made no answer, and Hawberk sank from his bragging note into a dull, confused tone, as he rubbed his hand over his forehead tremulously. "There was something I wanted to tell you about—"

The doctor prompted him after a moment's wait, "Anything about your condition?"

"No, no." As if he could not recall the thing he was groping for, Hawberk said, with a sort of provisionality, "I stopped in Boston on my way up yesterday, and saw that man who has my new patent in hand. He's a great fellow, and he's working it for all its worth. He's sold territory over the whole country, and up into Canada. Why, Doctor, he's got twenty thousand dollars for the Canadian rights alone, up to date, and I come in for a clean half of the money! I'm going to build, this spring. I've as good as bought that hill back of my house—got an option on it—and I'm going to build up there and keep the old place where we are for a shop. Have a walk slanting down to it over the corner of the hill, but have the main entrance to the new place by a flight of stone steps from the street. Have the whole front of the hill terraced. I've got a landscape architect in Boston studying it out for me. I was telling Jim Langbrith about it last night. He brought Hope home from the party at his mother's, and we got talking, and— Oh, yes. Now I know what it is I wanted to speak with you about, Doctor. It's a very confidential matter, and I don't know anybody that I'd like to trust with it except you. You at their house last night?"

"Yes," Anther owned.

"Well, all right. I couldn't go with Hope myself, for I had that man up from Boston that's handling my new patent. Had to send Mrs. Langbrith an excuse by Hope. But you saw them together, didn't you? And what did you think? Think there was anything serious? I mean in Hope. Because I know there is in him. He asked me last night if I had any objections to their getting married as soon as he is out of college. I haven't talked with Hope, and I don't know, except from him, how she feels."

Hawberk tried to fix Anther with the dull eyes that had once been brilliantly black and bold, but now seemed to slip in their glance, and he paused in the monologue which was like sleep-talking, a continuous babble, unbroken in its flow by the questions that interspersed it.

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The doctor rubbed his chin and stared back at him. "Are you sure of what you say, Hawberk?"

"Sure!"

"Because, you know, you sometimes can't tell the facts from the dreams."

"Oh, but I can this time. I couldn't be mistaken about a thing like that. What do you advise me to do? I've got plenty of means to meet the Langbriths half-way on any money proposition. As things are going with me now, I could give Hope a hundred thousand dollars the day she was married. And Jim Langbrith comes of good old stock. I consider his mother the finest lady I ever met, and he's his mother all over again—looks like her, talks like her, *walks* like her. I haven't forgot how she used to come up and nurse my poor wife, and it would be kind of appropriate having the two families brought together again, the same as Langbrith and I used to be in business. Well, now I'd like to get your opinion, doctor. I haven't spoken to my mother-in-law yet, because if the thing doesn't strike you favorably I don't want it to go any farther. I want to stop it right here." He lowered his voice from the high note to which it had been climbing back, and looked round him furtively. "You don't think there's any likelihood of that little green fellow coming back? I can get along now with the bones and the skulls, but that dwarf—"

"Have you seen him again?" Anther asked, soberly.

"No, not what you may call *seen*. But I feel as if I might, any minute."

"Well, you know there's no more reality in him than there is in those other things."

"Yes, I understand that."

"But you *will* see him, if you get to letting yourself go."

"Yes," Hawberk assented with a long breath. "If he wasn't green—kind of mouldy—" He stared, and after a moment he said, "What I want is something that will take me out of myself, good and strong."

Anther was apparently not heeding. He said sharply, "Hawberk! Can you carry your mind back to that old difficulty between you and James's father?"

Hawberk glanced at the doctor, slyly. "What old difficulty?"

"You must know. When you first began to lose sleep, and took up this habit."

The slyness passed into vagueness, then the vagueness gathered itself into a look of fury, which lost itself with the words in which it exploded: "Damn him!"

"Yes. Just what was it?" Anther pursued.

The vagueness came back, and then the slyness. "Why, there wa'n't anything that you may call a difficulty, doctor. All that's past and gone. We both agreed not to say anything more about it. He never did, and I haven't. Ever strike you that that skull of

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mine—that one I've had so much trouble with—looked like— Well, I've been thinking, since I saw Jim, last night— "

Anther shook his head, kindly. "That's your fancy, Hawberk. But you did feel injured, badly used at the time, didn't you? Try to think. You know you used to tell me things very different from those you have got to saying since, and I have a reason for wishing to find out the original facts, just now. They may have a bearing on an important matter—important to us both. You put in your invention, didn't you, and then he forced you out?"

Hawberk looked down and passed his hand over his forehead. "There was something like that. But he paid me a good round sum for the invention, and a big bonus for going out, didn't he?"

"You ought to know. Was that really the case, or is it what you've imagined since?"

"Why, I should say it was the case." A fear, the look of a man at some time deeply intimidated, supplanted the slyness in Hawberk's blotched-brown visage. "It's a thing I've agreed not to talk about. He lets me alone because I don't. He's got my promise, and I've got his. If I didn't keep my word, he would be over the wall the first time I fell asleep. You don't catch *me.*"

"Come! come!" Anther said, severely. "You mustn't talk that kind of nonsense to me. I tell you, I am quite in earnest, and I would like to know the bottom facts. You needn't be afraid of trusting me with them. You know, as well as I do, the unreality of those troubles of yours. They come from opium, and from nothing else. Now, was there any hold that Langbrith had on you, enabling him to force your consent to going out of the business, and giving him the entire usufruct of your invention? I want you to answer that fairly and squarely. Was there, or wasn't there?"

Hawberk passed his hand over his tormented brow again. "There was something, Doctor. It's strange. It seems as if there was a hold I had on him. But it must have been a hold he had on me. I can't straighten that out. That appears to be the trouble with me. I don't see why I didn't use the hold if I was the one that had it, unless—unless it was something about Mrs. Langbrith. Do you suppose it was? She had been good to my wife; she took care of her in those last days— Oh, my God, how they come back! Doctor, do you wonder I took to it? To get a little sleep! Once I went a fortnight without knowing I had any, if I had any. It was hell. Nothing since from the opium— Ah, I can't think it out!"

"Try," Anther insisted. "It is very essential." He rose from his chair, and began to walk restively up and down the room, while Hawberk lay dreamily staring at the windows, which Anther's person showed itself against, now one and now the other, as he paced to and fro. "I—I don't know but I'm getting it," he began. The doctor's foot struck a plank that gave under it, and the door of the long case fell softly open. Hawberk scrambled to his feet with a shuddering cry. "Oh, for God's sake, what's that?"

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"You know—you know well enough!" Anther shouted. "Don't be a fool! It's that old skeleton that you've seen a hundred times. I've had it ever since I've been here, and Hillward before me. Now, do have a little sense. It's a *real* one, and it can't bother you like those fancy ones of yours."

He went up to Hawberk, and put his hands on him to stay his trembling. "What—what does a man want to keep a thing like that around for?" Hawberk faltered out, helpless to take his eyes from the quivering thing that slightly turned as it dangled. "Shut it up!"

Anther obeyed, and Hawberk dropped nervelessly into his chair. "Lord, I don't see how I'm to get home."

The doctor looked at him grimly, then pityingly, then despairingly, as to any hope of further light from him then on the point he wished to clear. "I'm driving up your way. I'll take you. There's my buggy at the door."

"Oh, thank you, doctor," Hawberk said, and he found strength to follow him out into the hall where his hat and coat hung, and got out of the house first.

(To be Continued.)

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